

cense, excepting those under seventeen (17) years of age and holding an artificial lure license; providing the cost of such license and the fee to be retained by the collecting officer; providing a valid date of such license; providing for disposition of funds derived from the sale of such license and the use of same; providing a penalty for any violation of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute do pass in lieu thereof, and be not printed.

HOLBROOK, Vice-Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 1086,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,
Austin, Texas, April 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 471, A bill to be entitled "An Act empowering and authorizing cities and town in the State of Texas having a population in excess of 230,000 and not exceeding 232,000, according to the last preceding or any future Federal Census, to enact ordinances governing operation of all motor vehicles upon the public thoroughfares of such cities; providing that said ordinances may require testing and inspecting such motor vehicles at stated times and approval by the testing and inspecting authorities, including the State Highway Patrol; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with

committee amendments, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 501, A bill to be entitled "An Act granting to Silas Gotcher and also Mrs. Katie Gotcher and husband, S. N. Gotcher, their heirs and assigns, permission to bring suit against the State of Texas, and the State Highway Department in the District Court of Brown County, Texas, for damages alleged to have been sustained by the said Silas Gotcher in the complete demolition of a 1930 Chevrolet Sedan in Brown County, Texas, and for damages alleged to have been sustained by Mrs. Katie Gotcher on account of personal injuries to her occasioned by the demolition of said Chevrolet Sedan automobile on November 6, 1936, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

SIXTY-EIGHTH DAY.

(Friday, April 30, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Pace.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Reports of Standing Committees.

Reports on Senate Bill No. 460; on House Bills Nos. 480, 572 and 1034, and on H. J. R. No. 26, were submitted by the chairmen of the several committees to which they were referred. (See Appendix for reports in full.)

Senate Resolution No. 81.

Senator Sulak offered the following resolution:

Whereas, Farm products such as cotton, wheat and corn are World Commodities, and are valued uniformly in terms of gold, and

Whereas, Any change in the price of gold would be reflected immediately in the prices of such World Commodities, and

Whereas, a decrease in the price of gold would mean an automatic increase in the gold content of the dollar, and a corresponding decrease in the world price of such commodities, and

Whereas, The prices of farm products are not yet high enough to permit farmers to produce at a profit, and

Whereas, The Constitution of the United States confers upon Congress the exclusive power to coin money and to regulate the value thereof. Therefore, be it

Resolved by the Senate of the State of Texas, That the Congress of the United States and the Government at Washington be memorialized to not decrease the price of gold and thereby increase the value of the dollar and bring about an immediate and positive decrease in the value of farm commodities to the detriment of thirty million farmers and their families, and to the detriment of cities, towns, industries and wage earners depending upon farm purchasing power for their support and existence.

Be It Further Resolved, That a copy of this resolution be sent by the Secretary of the Senate to the President, to the Honorable Henry Wallace, Secretary of Agriculture, to the Honorable Marvin Jones, Chairman

of Agricultural Committee of the House, Honorable Allison D. Smith, Chairman of the Agricultural Committee of the Senate, and to the Texas Delegation in Congress.

SULAK,
LEMENS.

The resolution was read.

Senator Sulak moved that the regular order of business be suspended and the resolution taken up for consideration at this time.

Question—Shall the motion to suspend the regular order prevail?

(Senator Moore in the Chair.)

Senate Bill No. 386 With House Amendments.

Senator Small called up S. B. No. 386 from the President's table, for consideration of the House amendments to the bill.

The Presiding Officer laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the amendments by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

(President Pro Tempore in the Chair.)

Senate Bill No. 407 With House Amendments.

Senator Small called S. B. No. 407 from the President's table, for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate and the House amendments were read.

Senator Small moved that the Senate do not concur in the House amendments and that a Free Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President Pro Tempore announced the appointment of the following Free Conference Committee on the part of the Senate: Senators Isbell, Winfield, Small, Neal and Rawlings.

Report of Free Conference Committee on S. J. R. No. 16.

Senator Moore submitted the following report of the Free Conference Committee on S. J. R. No. 16:

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives on S. J. R. No. 16, do report that we have had the same under consideration and recommend to the Senate and House of Representatives that it do pass in the form attached hereto.

Respectfully,

MOORE,
BURNS,
BECK,
SHIVERS,
PACE.

On the part of the Senate.

MORSE,
WINFREE,
HOWARD,
HEFLIN.

On the part of the House.

By Moore.

S. J. R. No. 16.

A Joint Resolution.

Proposing an amendment to Article III, Section 52, of the Constitution of the State of Texas by adding thereto a new Section to be known as Section 52d; providing that the Legislature may authorize by law, after a majority vote of the resident qualified electors owning taxable property therein, the adoption of a plan for the construction of paved roads and bridges or both in Harris County and in road districts therein; providing for the levy of a tax to pay for such con-

struction; providing for the necessary proclamation; and appropriating funds to defray the expense of the proclamation, publication, and election.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article III, Section 52, of the Constitution of the State of Texas, be amended by adding thereto another Section to be known as Section 52d, which shall read as follows:

"Section 52d: Upon the vote of a majority of the resident qualified electors owning rendered taxable property therein so authorizing, a County or Road District may collect an annual tax for a period not exceeding five (5) years to create a fund for constructing lasting and permanent roads and bridges or both. No contract involving the expenditure of any of such fund shall be valid unless, when it is made, money shall be on hand in such fund.

"At such election, the Commissioners' Court shall submit for adoption a road plan and designate the amount of special tax to be levied; the number of years said tax is to be levied; the location, description, and character of the roads and bridges; and the estimated cost thereof. The funds raised by such taxes shall not be used for purposes other than those specified in the plan submitted to the voters. Elections may be held from time to time to extend or discontinue said plan or to increase or diminish said tax. The Legislature shall enact laws prescribing the procedure hereunder.

"The provisions of this Section shall apply only to Harris County and Road Districts therein."

Sec. 2. The foregoing amendment to the Constitution of the State of Texas shall be submitted to the qualified voters of the State on the fourth Monday in August, 1937, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the word: "For the amendment to the Constitution providing that Harris County and any road district therein may upon a vote of the people therein adopt a road plan and levy taxes for road and bridge construction in lieu of the issuance of bonds"; those voters opposing said amendment shall write or have printed on their ballots the words: "Against the amendment to the Constitution pro-

viding that Harris County and any Road District therein may upon a vote of the people therein adopt a road plan and levy taxes for road and bridge construction in lieu of the issuance of bonds."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution for amendments thereto.

Sec. 4. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated to pay the expenses of such publication and election.

Senator Moore moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Senate Bill No. 141 With House Amendments.

Senator Redditt called up S. B. No. 141 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate and the House amendments were read.

Senator Redditt moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Davis
Beck	Head
Brownlee	Hill
Burns	Holbrook
Collie	Isbell
Cotten	Lemens

Moore	Small
Neal	Spears
Nelson	Stone
Newton	Sulak
Oneal	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Roberts	Woodruff
Shivers	

Senate Bill No. 113 With House Amendments.

Senator Collie called up S. B. No. 113 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

House Bill No. 5 Ordered Mimeographed.

On motion of Senator Stone, and by the unanimous consent, it was ordered that H. B. No. 5 be mimeographed in advance of its consideration in committee.

(Senator Moore in the Chair.)

Senate Resolution No. 81.

The Senate resumed consideration of the motion of Senator Sulak to suspend the regular order of business to take up S. R. No. 81 for consideration at this time.

Senator Van Zandt moved the previous question on the motion and the main question was ordered.

Senator Sulak moved to reconsider the vote by which the main question was ordered.

Senator Van Zandt moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—7.

Beck	Pace
Davis	Redditt
Holbrook	Van Zandt
Neal	

Nays—19.

Brownlee	Roberts
Burns	Shivers
Collie	Spears
Isbell	Stone
Lemens	Sulak
Moore	Weinert
Nelson	Westerfeld
Newton	Winfield
Oneal	Woodruff
Rawlings	

Present—Not Voting.

Hill

Absent.

Cotten	Small
Head	

Absent—Excused.

Aikin

The motion to reconsider prevailed.

Question recurred—Shall the main question now be ordered?

The Senate refused to order the main question at this time.

Senator Redditt moved the previous question on the motion to suspend and the main question was ordered.

The motion to suspend was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—10.

Beck	Nelson
Brownlee	Newton
Cotten	Pace
Isbell	Sulak
Lemens	Westerfeld

Nays—17.

Burns	Redditt
Collie	Roberts
Davis	Shivers
Head	Small
Hill	Van Zandt
Holbrook	Weinert
Moore	Winfield
Neal	Woodruff
Rawlings	

Present—Not Voting.

Oneal	Stone
Spears	

Absent—Excused.

Aikin

Leave of Absence Granted.

Senator Aikin was granted leave of absence for the balance of today and for tomorrow on account of important business, on motion of Senator Collie.

Senate Concurrent Resolution No. 60.

Senator Woodruff offered the following resolution:

Be it Resolved by the Senate of the Legislature of Texas, the House of Representatives concurring, that the Regular Session, Forty-fifth Legislature of the State of Texas, stand adjourned sine die at 11:59 p. m., May 22nd, 1937.

On motion of Senator Woodruff and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, to permit consideration of the resolution at this time.

Question—Shall the resolution be adopted?

On motion of Senator Woodruff, the resolution was tabled subject to call.

Message From the Governor.

A Secretary of the Governor was announced by the Doorkeeper and was recognized to present the following message:

Austin, Texas, April 29, 1937.
To the Members of the 45th Legislature:

Article 4, Section 15, of the Constitution of Texas, reads as follows:

"Every order, resolution or vote to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, shall be approved by him; or, being disapproved, shall be repassed by both Houses. . . ."

On April 22nd there was filed with this office, for approval or veto, S. C. R. 1, prescribing "joint rules of the two Houses." I regret that I

am compelled to disapprove and veto this resolution for the following reasons:

Joint rules of the Legislature are prescribed not only for the regular session but for special sessions as well. Certainly these joint rules cannot have a great effect this late in the session since they were presented to me for approval or veto on April 22nd at a time when we had only twenty days, including Sundays, of the regular session left.

It is a well known fact that rules play the most important part in the passage or defeat of controversial bills. That member of the Legislature who is well versed on the rules is promptly recognized as an outstanding and influential member of the Legislature. Yet rules in both Houses are generally adopted with few dissenting votes; and, I feel I am safe in saying, without a great deal of study other than on the part of members of the conference committee writing the rules. It, therefore, behooves us, I think, to consider carefully proposed joint rules before making them permanent for special as well as the regular session.

In my opinion, the most objectionable of these rules are numbers 20 and 21. The first of these rules, No. 20, applies to house bill days in the Senate, and the second, No. 21, applies to Senate bills in the House.

To illustrate the point, therefore, it will only be necessary to quote rule 20. It reads as follows:

"On calendar Wednesday and Thursday only of each week, House Bills on their third and second readings, respectively, shall be taken up and considered in the Senate until disposed of; and in case a House Bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business provided, however, this Rule as to such pending business at adjournment on calendar Thursday may be suspended by two-thirds vote of the Senate to permit the continued consideration of such pending business." (Black face type mine.)

The comparable old joint rule (No. 22) reads as follows:

"In the Senate, on Wednesday and Thursday of each week, only House bills on their third and second read-

ings, respectively, shall be taken up and considered until disposed of, and in case one should be pending at adjournment, it shall go over to the succeeding day (Friday) as unfinished business; and this rule cannot be suspended without the consent of the House."

Heretofore, the rule has been that any House bill pending at adjournment on Thursday should only "go over to the succeeding day (Friday) as unfinished business." And this procedure could only be suspended with the consent of the House. NOW, under the new rule, a pending bill would have to go over for six days: And the rule could be suspended only by two-thirds vote of the entire Senate—not by the House!

This rule encourages and puts a premium on filibustering. It is undisputed that contested House bills have already fared badly in the Senate. It is commonly recognized that the Senate calendar of House bills is hopelessly clogged even though the Houses have operated under the old rule that a bill pending at adjournment on Thursday is still pending business on Friday. To adopt this changed rule will further jam the calendar and make the situation even more hopeless.

The changed rule not only compels a bill to go over six days but requires a two-thirds vote of the entire Senate (not of the members present) to suspend the rule. This delivers the fate of a House bill in the Senate into the hands of a minority. In other words, where heretofore, as a matter of right, a bill pending at adjournment on Thursday was still pending business Friday morning, it would now require 21 affirmative votes to secure this simple right which has been commonly recognized throughout the legislative history of Texas. Under this new rule an overwhelming majority of 20 members of the Senate could be in favor of continuing consideration of a bill. Eleven senators could be filibustering against it; and the will of the eleven would prevail against the majority of 20.

Again, the changed rule fixes it so that even during a special session where perhaps only one subject might be submitted, House bills can be considered on Wednesdays and Thursdays only; and on no other

days except by two-thirds vote of the entire Senate. The old rule, as shown above, provides, "In the Senate on Wednesday and Thursday of each week, only House Bills on their third and second readings respectively shall be taken up and considered until disposed of." The new rule changes it to read, "On calendar Wednesday and Thursday only of each week, House Bills on their third and second readings respectively," thus limiting consideration of House bills to Wednesday and Thursday, and no other days without the consent of two-thirds of the entire Senate.

I am not discussing these rules solely from the standpoint of repeal of the race track gambling law. On its face this particular rule does show what could happen to the repeal bill at a special session, but let me point out to you where we would be on other matters—taxation for instance,—perhaps the most pressing problem of all.

Suppose I am compelled to call the Legislature back in extraordinary session to provide revenue by taxation. Under the Constitution revenue bills have to originate in the House. In all probability it would easily take two weeks for committee hearings and passage of a tax bill from the House to the Senate. The Senate then would send the tax bill, or bills, to a committee, from which committee it might possibly emerge in a week's time and get on the House bill calendar in the Senate by Wednesday and Thursday of the last week—the only days in which House bills can be considered in the Senate without the affirmative vote of 21 senators, who would have to actually be present and cast their votes, without pairing, if the bill was to be further considered after Wednesday and Thursday. One of us can imagine a tax bill, with the amendments and unlimited argument permitted under Senate rules, possibly passing the Senate in two days. Unless, therefore, two-thirds of the entire Senate membership consented for consideration of these tax bill on days other than Wednesdays and Thursdays, the tax bills would be dead at a special session! Dead because a minority of 11 might block the will of 20. It is worse than this: One member out of 21 might

block the will of 20. Suppose a tax bill is pending in the Senate on the last House bill day and a quorum of 21 senators is present. Under joint rule 20 the pending House bill would go over to the next Wednesday (which would never be reached during the thirty day session) because the rule requires a "two-thirds vote of the Senate to permit the continued consideration of such pending business. Twenty of the quorum might vote to continue consideration and one vote against it. Others could be absent and the will of one senator absolutely kill the purpose for which the tax session was called. A sense of fairness should dictate that the will of the majority should prevail, but it would be impossible under this rule.

This power on the part of a minority to thwart final action on a bill even though it could command a majority for passage has been amply demonstrated again and again during this session. It is evidenced by another rule of the Senate not yet brought out into the open but to which I want to call your attention at this time in order that it may be corrected.

In the past it has been an elementary and commonly recognized rule of procedure that any legislative body can by a majority vote of a quorum take any appropriate action where a greater than majority vote is not required by the Constitution. The Constitution requires in certain instances a greater than majority vote; for instance, an affirmative vote of four-fifths of the membership of each House is required to vary the procedure prescribed by Section 5, of Article 3, as amended in 1930, dealing with the introduction of bills, committee hearings, etc.; a four-fifths vote to suspend the Constitutional rule requiring bills to be read on three several days; a two-thirds vote of all members elected to each House required to put a law into immediate effect, etc. Legislative rules may be adopted under the Constitution by a majority vote; but I am firmly convinced that neither House has a right to adopt by such majority vote rules requiring a greater vote than that required by the Constitution.

The Senate at this session adopted Amended Rule 99-b, which provides,

"It shall take the affirmative vote of a majority of the members of the Senate to substitute a minority report for the majority report." This means that in order to bring a bill out of a Senate committee on minority report 16 members of the Senate must be present and vote affirmatively, without pairing, to bring the bill out. Oftentimes a majority of the Senate may be represented by a minority on a particular committee.

Isn't this a strange situation? A majority of a quorum can finally pass a bill if it is up for consideration; but a majority of the entire membership of the Senate is required to bring a bill out of committee on minority report so that a mere majority can pass it. In other words, 11 of 21 members can finally pass a bill, but it would take 16 of 21 members to bring a bill out on minority report to get it where 11 can pass it.

I have carefully briefed the question, and am thoroughly convinced that such a rule is unconstitutional; but whether it will be so adjudged by presiding officers in the Senate remains to be seen. I do not believe it is legally or morally right for any legislative body to so tie its hands as to thus make it possible for a minority to block the will of the majority. I am aware of the statement often made that rules are designed to protect minorities, but this is done by such constitutional requirements as committee hearings and the reading of bills on three several days. Frankly, I think it is high time that we adopt rules and procedure designed to protect the majority rather than the minority!

We have heard a great deal of talk lately about the people's national program being blocked by a majority of one vote. I charge that it is possible under present Senate rules to block the will of the people of Texas by a minority vote. I think I have amply demonstrated this in pointing out the things that can be done under the Senate rule cited and the proposed joint rule which I am today disapproving.

The presiding officers of the Senate have already recognized House bill days in the Senate, and I would much prefer to go forward under ordinary rules than lend my approval to any such rule as proposed Joint Rules 20 and 21.

I feel sure a majority of both the Senate and the House could not have intended to adopt such an onerous joint rule as the one complained of and must not have known of the possibilities I have tried to point out in this message. In disapproving and vetoing this concurrent resolution, therefore, I feel I am carrying out the will of the majority of the Members of each House. I hope that the Legislature not only in its joint rules, but in the rules of each House, will make it possible for a majority to act more effectively than is possible under present procedure.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Pending reading of the message, Senator Rawlings occupied the chair temporarily.

(Senator Moore in the Chair.)

Senate Joint Resolution No. 5 on
Engrossment.

The Presiding Officer laid before the Senate, as unfinished business, on its passage to engrossment (the resolution having been read second time on April 7, 1937):

S. J. R. No. 5, Proposing an amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance not to exceed fifteen dollars (\$15) per person per month to actual bona fide residents of the State of Texas, over the age of sixty-five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for Old Age Pensions and/or Assistance; levying a two per cent occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities including the gross receipts of places of amusement; creating a Special Old Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund

shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

With the following amendment by Senator Head pending:

Amend the Sulak amendment to S. J. R. No. 5 by adding a new section appropriately numbered to read as follows:

No person shall be eligible for a pension under this amendment who is not a citizen of the United States or who has become a naturalized citizen after the adoption of this amendment.

Question—Shall the amendment be adopted?

Senator Redditt moved the previous question on the amendment and the resolution.

Yeas and nays were demanded, and the Senate refused to order the main question by the following vote:

Yeas—13 .

Beck	Redditt
Burns	Roberts
Cotten	Shivers
Head	Van Zandt
Hill	Weinert
Neal	Woodruff
Newton	

Nays—16.

Brownlee	Oneal
Collie	Pace
Davis	Rawlings
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Westerfeld
Nelson	Winfield

Present—Not Voting.

Sulak

Absent—Excused.

Aikin

Senator Head, by unanimous consent, withdrew the pending amendment.

Senator Small offered the following amendment to the resolution as amended:

Amend S. J. R. No. 5, as amended, by adding at the end of the first paragraph of Section 1 the following:

"The Legislature shall provide by law for the retention of a lien on all property (except that exempt from forced sale under the Constitution and laws of Texas) of which the recipient of a pension or assistance is seized or possessed in order to secure the State of Texas in the repayment of any and all money that may be advanced to the owner of such property as a pension or as assistance and shall provide adequate laws for the enforcement of such liens."

Senator Sulak raised a point of order on consideration of the amendment on the ground that an amendment containing the same substance has been defeated by the Senate.

The Presiding Officer (Senator Moore) overruled the point of order and stated that the amendment had not been defeated as an independent proposition, but only in so far as it was a part of a substitute which was rejected by the Senate.

Senator Oneal offered the following amendment to the amendment:

Amend Small amendment to S. J. R. No. 5 by limiting exemption to \$5,000.00 value.

Question—Shall the amendment to the amendment be adopted?

Senator Redditt moved that S. J. R. No. 5 be tabled subject to call.

The motion prevailed.

Conference Committee Report on Senate Bill No. 247.

Senator Woodruff submitted the following report of the Conference Committee on S. B. No. 247:

Hon. Walter F. Woodul, President of the Senate;
Hon. Robert W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred S. B. No. 247,

Have had the same under consideration, and we recommend to the House of Representatives and to the

Senate that the said bill pass in the form attached hereto:

Respectfully submitted,
WOODRUFF,
AIKIN,
NEWTON,
BECK,
SPEARS,

On the part of the Senate.

PETSCH,
TENNYSON,
SHELL,
THORNBERRY,
HANKAMER,

On the part of the House.

By Woodruff.

S. B. No. 247.

A BILL
To Be Entitled

An Act relating to the collection of Excise and other taxes and relating to injunctions, bonds, the payments of taxes, refunds, reports, records, etc., and amending Sections 1, 3, 4, 5, 6, 7, 9, and 18 of House Bill 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, and adding a new section thereto to be known as Section 3B; authorizing the Comptroller to promulgate certain rules and regulations to regulate the sale of cigarettes into other states when such cigarettes have the tax stamp of such other states affixed; prescribing records to be kept by salesmen of cigarette manufacturers and by persons soliciting orders for cigarettes for shipment to point within the State; providing for the shipment of cigarette stamps; requiring common and contract carriers to keep certain records open to inspection of certain State officials; preserving taxes, penalties and interest accruing to the State under the provisions of prior cigarette tax laws before the effective date of this Act; repealing laws in conflict herewith; providing that offenses committed or prosecutions begun under pre-existing laws may be conducted under the law as it existed at the time the offense was committed; providing that if any part of this Act shall be held invalid or unconstitutional such decision shall not affect the validity of the remaining portions thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Before any restraining

order or injunction shall be granted in this State to restrain or enjoin the collection of any excise tax, occupation tax, sales tax, severance tax, gross receipts tax, license or permit tax, and registration or filing fee or any statutory penalties assessed for failure to pay any of such taxes and before any restraining order or injunction shall be granted against any State official or his authorized representatives in this State to restrain or enjoin the collection of any of the foregoing taxes, fees and penalties, the applicant therefor shall pay into the suspense account of the State Treasurer all taxes, fees and penalties then due by him to the State and the application for restraining order or injunction shall reflect said fact of payment under oath of the applicant, his agent or attorney. Provided, however, that unless otherwise provided by Statute, said applicant may, in lieu of paying such taxes, fees and penalties into the suspense account of the State Treasurer, file with said Treasurer a good and sufficient bond to guarantee the payment of such taxes, fees and penalties in an amount equal to twice the amount of all taxes, fees and penalties then due and which may reasonably be expected to become due during the pendency of said injunction. The amount of such bond and the sureties thereon shall be approved by and acceptable to the Judge of the Court granting said injunction and the Attorney General of this State and the application for said restraining order or injunction shall reflect under oath of the applicant, his agent or attorney, that said bond has been approved and filed as aforesaid. Whenever it appears to the Attorney General that any such bond has become insufficient to cover double the amount of the taxes, fees and penalties accruing subsequently to the granting of said injunction, the said Attorney General shall demand of said applicant that additional bond be filed. Provided, further, that said applicant shall keep during the pendency of the injunction and for a period of one (1) year thereafter open to the inspection at all times of the Attorney General of this State and all other State officials authorized to enforce the collection of such taxes, fees and penalties, a well bound book record of all taxes accruing during the pendency of such restraining order or injunction. Such

book record shall include a record of purchases, receipts and sales or other disposition of all commodities, products, materials or articles upon which such taxes are levied or by which the amount of such taxes are measured. Provided further, that said applicant shall make and file with the State official authorized to enforce the collection of the tax involved, on Monday of each week, a report on a form or forms to be prescribed by said State official showing the weekly accruals of the tax involved together with total purchases, receipts, sales and other disposition of all commodities, products, materials and articles on which the tax involved in such injunction is levied or by which such tax is measured. Such report shall also show the name and address of all persons from whom such commodities, products, materials and articles were purchased or received and the name and complete address of all persons to whom such commodities, products, materials and articles were sold or distributed. If payment of the tax involved is evidenced or measured by the sale or use of stamps or tickets, a complete record of all such stamps and tickets used, sold or handled shall be kept and shall be included in said report. Said application and temporary injunction or restraining order shall be immediately dismissed and dissolved after hearing, if said applicant fails, at any time before the case shall have been finally disposed of by the court of last resort, to keep the records or make and file the reports required herein or to comply with the Attorney General's demand to file any additional bond necessary to cover double the amount of taxes, fees and penalties accruing subsequently to the granting of said injunction or in the absence of a bond to pay, on Monday of each week, into the suspense account of the Treasurer of Texas all taxes, fees and penalties involved in said litigation and thereafter becoming due, and such payments shall be made before said taxes, fees and/or penalties become delinquent. Any proceedings to enjoin the collection of any of the foregoing taxes shall be in a court of competent jurisdiction in Travis County, Texas.

The Attorney General or any State official authorized to enforce the collection of the tax involved may file in the court granting such injunction an affidavit that said applicant

has failed to comply with the provisions of this Act or has violated the same. Upon the filing of said affidavit, the clerk of said court shall issue notice to the said applicant to appear before such court upon the date named therein, which shall be within five (5) days from service of such notice or as soon as the court can hear the same, to show cause why such injunction should not be dismissed, which notice shall be served by the sheriff of the county in which applicant resides or any other peace officer in this State.

In the event the injunction is finally dissolved or dismissed the Treasurer shall make demand upon the applicant and his sureties on any bond filed in lieu of the payment of any taxes, fees and penalties, for immediate payment of said taxes, fees and penalties which if not paid shall be recovered in a suit to be filed by the Attorney General in a court of competent jurisdiction in Travis County, Texas, or any court having jurisdiction. Provided further, that if said injunction is dissolved or dismissed all taxes, fees and penalties or other funds paid into the suspense account of the Treasurer under the provisions of this Act shall be paid to the funds to which said taxes, fees and penalties are allocated. If the final judgment maintains the right of the applicant to a permanent injunction to prevent the collection of such taxes, the funds so deposited shall be refunded by the Treasurer to said applicant together with any depository interest the Treasurer may have collected for the deposit of such funds.

Sec. 2. That Section 1 of House Bill 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, be, and the same is hereby amended so as to read hereafter as follows:

"Sec. 1. The following words, terms and phrases, as used in this Act are hereby defined as follows:

(a) "Cigarette" shall mean and include any roll for smoking made wholly or in part of tobacco (irrespective of size or shape and irrespective of tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition herein shall not be construed to include cigars.

(b) "Individual Package Cigarettes" shall mean and include the

smallest package of cigarettes ordinarily sold at retail and shall include any and every package of cigarettes upon which a federal stamp or token is required, evidencing the payment of federal tax.

(c) "Person" shall mean and include every individual, firm, association, joint stock company, syndicate, co-partnership, corporation, trustee, agency or receiver.

(d) "Place of Business" is construed to mean and include any place where cigarettes are sold or where cigarettes are stored or kept for the purpose of sale or consumption; or if sold from any vehicle, train or cigarette vending machine, the vehicle, train, or cigarette vending machine on which or from which such cigarettes are sold shall constitute a place of business.

(e) "Stamp" shall mean the stamp or stamps printed, manufactured or made by authority of the Board as hereinafter defined, and issued, sold or circulated by the Treasurer and by the use of which the tax levied hereunder is paid.

(f) "Counterfeit Stamp" shall mean any stamp, label, print, tag or token which evidences, or purports to evidence, the payment of any tax levied by this Act, and which stamp, label, print, tag or token has not been printed, manufactured or made by authority of the Board as hereinafter defined and/or issued, sold or circulated by the Treasurer.

(g) "Previously Used Stamp" shall mean and include any stamp which is used, sold, or possessed for the purpose of sale or use, to evidence the payment of the tax herein imposed on an individual package of cigarettes after said stamp has, anterior to such use, sale or possession, been used on a previous or separate individual package of cigarettes to evidence the payment of tax as aforesaid.

(h) "First Sale" shall mean and include the first sale or distribution of cigarettes in intrastate commerce, or the first use or consumption of cigarettes within this State.

(i) "Drop-shipment" shall mean and include any delivery of cigarettes received by any person within this State when payment for such cigarettes is made to the shipper or seller by or through a person other than the consignee.

(j) "Comptroller" shall mean the Comptroller of Public Accounts of

the State of Texas or his duly authorized assistants and employees.

(k) "Treasurer" shall mean the State Treasurer of Texas or his duly authorized assistants and employees.

(l) "Attorney General" shall mean the Attorney General of the State of Texas or his duly authorized assistants and employees.

(m) "Distributor" shall mean and include every person in this State who manufactures or produces cigarettes or who ships, transports, or imports into this State or in any manner acquires or possesses cigarettes and makes a "first sale" of the same in this State; the said term shall also include every person in this State who in any manner acquires or possesses unstamped cigarettes for the purpose of making a "first sale" of the same within this State.

(n) "Wholesale Dealer" shall mean and include every "person" other than a distributor or a salesman in the employ of a manufacturer and handling only the products of his employer who engages in the business of selling or distributing cigarettes in this State for the purpose of resale.

(o) "Retail Dealer" shall mean and include every person other than a distributor or wholesale dealer who shall sell, distribute, or offer for sale or distribution or possess for the purpose of sale or distribution, cigarettes irrespective of quantity or amount or the number of sales or distributions; and it shall also mean and include every person other than a distributor or wholesale dealer who distributes or disposes of cigarettes in unbroken individual packages or in quantities of ten (10) or more as gifts or prizes or in any other manner of distribution or disposal where no sale is involved.

(p) "Distributing Agent" shall mean and include every person in this State who acts as an agent of any person outside the State by receiving cigarettes in interstate commerce and storing such cigarettes subject to distribution or delivery upon order from said person outside the State to distributors, wholesale dealers and retail dealers."

Sec. 3. That Section 3, House Bill 755, General Laws of the Forty-fourth Legislature, as amended by Section 1, Article III, House Bill 8,

Acts of the Third called Session of the Forty-fourth Legislature, be, and the same is hereby amended so as to read hereafter as follows:

"Sec. 3. A 'Cigarette Tax Stamp Board' Composed of the Board of Control of this State, designated hereafter as the 'Board,' is hereby created and the said Board shall be and is hereby required to design and have printed or manufactured new cigarette tax stamps of such size and denominations and in such quantities as may be determined by the said Board. The stamps shall be so manufactured as to render them easy to be securely attached to each individual package of cigarettes; provided that a different and separate serial number or combination letter and number may be assigned to and printed on the margin of each sheet of stamps, or other methods of identification be adopted as the Board may decide. The printing or manufacturing of the stamps shall be awarded by competitive bid and the contract shall be awarded to the person submitting the lowest and best bid that will afford the greatest and best protection to the State in the enforcement of the provisions of this Act.

"The Board acting through the Treasurer shall, upon receipt of the stamps hereinabove authorized to be printed or manufactured, designate the date of issue of the new design of stamps by issuing a proclamation as hereinafter provided. Provided that the stamps shall be affixed by the distributor on each individual package of cigarettes that will be handled, sold, distributed, or used; that said stamps shall be supplied by said Treasurer to all distributors holding a permit in the State at a discount of four per cent (4%) from the face value; provided that if any distributor fails or refuses to comply with any provision of the cigarette tax law or violates the same such distributor shall be required to pay the full face value for stamps purchased during the period of such offense and the Treasurer shall, upon receipt of an affidavit from the Comptroller setting forth such violation, refuse to supply stamps at the discount provided until such offending distributor has paid any unauthorized discounts received by him and has otherwise purged himself of

all such violations; provided further, that every distributor shall cause to be affixed to every individual package of cigarettes on which a tax is due, stamps of an amount equalling the tax due thereon, before any such distributor sells, offers for sale, or consumes, or otherwise distributes or transports the same.

"From the effective date of this Act, one-third of the net revenue derived from the Act levying the Cigarette Tax shall be credited to the Available School Fund of the State of Texas, and two-thirds shall be credited to the Texas Old Age Assistance Fund.

"The Board is hereby authorized to change the design of the stamps as often as it may deem such change necessary to the best enforcement of the provisions of this Act, and the Treasurer is hereby required to redeem at face value any unused cigarette tax stamps lawfully issued, prior to such change in the design, which are in the possession of any bona fide owner, by exchanging at face value cigarette tax stamps of the new design. Provided that whenever a change is made in the design of the stamps every person holding stamps of the old design shall be required to send them to the Treasurer for exchange at face value for stamps of the new design. Such exchange shall be made within sixty (60) days after the date of issue of the new design of stamps and it shall be unlawful for any person to have in his possession any stamps of an old design after sixty (60) days from the date of issue of any new design; provided it shall be unlawful for any person to sell, offer for sale, or possess for the purpose of sale, cigarettes to which stamps of the old design are affixed after sixty (60) days from the date of issue of a new design; provided, further, that after sixty (60) days from the date of issue of any new design of stamps the old design shall be void and cigarettes with stamps of the old design affixed to the individual package shall, for the purpose of the enforcement of the provisions of this Act, be considered as cigarettes without stamps affixed thereto. It shall be the duty of the Treasurer upon receipt of any new design of stamps authorized to be printed by the Board to designate the date of issue of such

new design by the issuance of a proclamation and the date of such proclamation shall be the date of issue of the new design of stamps.

"Any person who shall have in his possession any cigarette tax stamps of an old design after sixty (60) days from the date of issue of a new design of stamps shall be guilty of a felony and shall be punished as set out in Section 26 of this Act.

"Provided that any cigarette tax stamps may be exchanged only when proof satisfactory to said Treasurer is furnished that any stamps offered to said Treasurer in exchange were properly purchased and paid for by the person offering to exchange such stamps; provided, further, that stamps which are effaced or mutilated in any manner may be refused for acceptance in exchange by said Treasurer.

"The Treasurer shall keep a record of all stamps sold by him or under his direction, of all stamps exchanged by him and of all refunds made on stamps purchased.

"Order for cigarette tax stamps shall be sent direct to the Treasurer and it shall be the duty of the Treasurer to invoice the stamps ordered to the purchaser upon a form invoice to be prescribed by the Treasurer, which invoice shall be issued in triplicate and numbered consecutively. The invoice shall show the date of sale, the name and address of purchaser, the number of stamps and their serial numbers, the denomination and value of stamps so purchased. The invoice shall be signed by the Treasurer and the original sent with stamps to the purchaser; the duplicate of the invoice shall be sent to the Comptroller and the triplicate kept by the Treasurer; provided, further, that the purchaser of said stamps shall hold the said invoice for a period of two (2) years for inspection at all times by the Comptroller and the Attorney General. No stamp affixed to a package of cigarettes shall be cancelled by any letter, numeral or any other mark of identification or otherwise mutilated in any manner that will prevent or hinder the Comptroller in making an examination as to the genuineness of said stamp.

"Stamps in unbroken sheets of one hundred (100) stamps may be exchanged, with the Treasurer only, for

stamps of a different denomination. Provided, further, that the Treasurer shall be authorized to make refunds on unused stamps in unbroken sheets of not less than one hundred (100) stamps each to the person who purchased said stamps only when proof satisfactory to said Treasurer is furnished that any stamps upon which a refund is requested were properly purchased from said Treasurer and paid for by the person requesting such refund. Such refund shall be made from revenue derived from this Act before such revenue is allocated as herein provided."

Sec. 4. That House Bill No. 755, Acts of the Forty-fourth Legislature, as amended by Acts of the Third Called Session of the Forty-fourth Legislature, Be, and the same is hereby amended by adding a new Section following Section 3A and to be known as Section 3B and to read as follows:

"Sec. 3B. A distributor may order stamps shipped with draft attached to the bank with which said distributor regularly transacts business. The Treasurer is hereby authorized to ship stamps in compliance with such orders to any such bank authorized to do business in Texas under the laws of this State and the United States. Such stamps, together with the invoice required under Section 3 of the cigarette tax law, shall be attached to a form draft to be prescribed by the State Auditor, which draft shall show the date of shipment, the name and address of the bank, the name of the distributor and the amount of said draft. If said draft is not paid within twenty (20) days of the date thereon, it shall be returned together with the stamps attached to the Treasurer. Any distributor failing to take up such draft and stamps as ordered by him shall be notified at the end of such twenty (20) day period by the Treasurer to appear within five (5) days before the Treasurer to show cause why he should not be denied the privilege of ordering stamps as herein provided, and if such distributor shall fail to show good cause, the Treasurer is hereby authorized to discontinue the shipment of stamps with draft attached as herein provided."

Sec. 5. That Section 4 of House Bill 755, Chapter 241, General Laws of the Forty-fourth Legislature, Reg-

ular Session, be, and the same is hereby amended so as to read hereafter as follows:

"Sec. 4. Every distributor, wholesale dealer and retail dealer in this State now engaged or who desires to become engaged, in the sale or use of cigarettes upon which a tax is required to be paid, shall, within thirty (30) days from the date this law becomes effective, file with the Comptroller an application for a cigarette permit as a distributor, wholesale dealer or retail dealer, as the case may be, said application to be accompanied by a fee of Twenty-five Dollars (\$25.00) if for a distributor's permit or a fee of Fifteen Dollars (\$15.00) if for a wholesale dealer's permit or a fee of Five Dollars (\$5.00) if for a retail dealer's permit. Said applications shall be on forms prescribed by the Comptroller, to be furnished upon written request, the failure to furnish which shall be no excuse for the failure to file the same unless an absolute refusal is shown. Said forms shall set forth (a) the manner under which such distributor, wholesale dealer or retail dealer transacts or intends to transact such business as distributor, wholesale dealer or retail dealer, (b) the principal office, residence and place of business in Texas for which the permit is to apply, (c) and if other than an individual the principal officers or members thereof not to exceed three (3), and their addresses. The Comptroller may require any other information as he may desire in said applications. No distributor, wholesale dealer or retail dealer shall sell any cigarettes until such application has been filed and the fee prescribed paid for a permit and until such permit is obtained. Said permits shall expire twelve (12) months from the date the distributor, wholesale dealer or retail dealer first sells cigarettes or engages in the business of selling cigarettes or from the expiration date of the permit previously issued to said distributor, wholesale dealer or retail dealer, but may be renewed upon like application and upon payment of another fee in the amount prescribed for the kind of permit desired. An application shall be filed and a permit obtained for each place of business owned or operated by a distributor, wholesale dealer or retail dealer. Provided, however, that any distrib-

utor manufacturing, importing, or acquiring in any other manner, cigarettes for his own personal use or consumption and not to be disposed of by sale, gift, or otherwise shall not be required to obtain a distributor's permit but shall be required to make the report required herein of a distributor and to comply with all other provisions of this Act affecting a distributor; provided, further, that the Treasurer shall be authorized to sell stamps to such distributors acquiring cigarettes for their own personal use or consumption and not for sale or other disposal, in lesser quantities than unbroken sheets of one hundred (100) stamps.

"Upon receipt of the application and fee herein provided for, the Comptroller shall issue to every distributor, wholesale or retail dealer for the place of business designated, a non-assignable consecutively numbered permit, designating the kind of permit and authorizing the sale of cigarettes in this State. Said permit shall provide that the same is revokable and shall be forfeited or suspended upon any violation of any provision of this Act or any reasonable rule or regulation adopted by the Comptroller. If such permit is revoked or suspended said distributor, wholesale dealer or retail dealer shall not sell any cigarettes from such place of business until a new permit is granted or the suspension of the old permit removed. Provided, that the Treasurer may refuse to sell stamps to any person who has not obtained a permit to engage in business as a distributor or to any distributor whose permit has been revoked or suspended until such permit has been reinstated or a new permit issued.

"The permit shall at all times be publicly displayed by the distributor, wholesale dealer or retail dealer at his place of business so as to be easily seen by the public and the persons authorized to inspect the same. Provided, that any distributor, wholesale dealer, or retail dealer who is the legal owner and holder and is operating under any unexpired permit which has been issued by the Comptroller as provided by Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature, shall not be required to make application for and obtain from the

Comptroller a permit as required herein prior to the expiration of the twelve (12) months for which such permit was issued. Provided, further, that any person who operates both as a distributor and wholesale dealer in the same place of business shall only be required to obtain a distributor's permit for the particular place of business where such operation of said business is conducted, but if any distributor or wholesale dealer sells cigarettes at both wholesale and retail, an additional permit as a retail dealer shall be required. Any unexpired permit may be returned to the Comptroller for credit on the unexpired portion thereof only upon the purchase of a permit of a higher classification.

"If the application is for a permit to sell cigarettes from or by means of a cigarette vending machine, train, automobile or other vehicle, the serial number of said vending machine, the make, motor number and State Highway license number of said automobile or other vehicle and the name of the railway company and number of said train shall be shown on the applications."

Sec. 6. That Sections 5, 6, and 7 of House Bill 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, be, and the same are hereby amended so as to read hereafter as follows:

"Sec. 5. Every person, other than a distributing agent, bonded distributor or common carrier shall before receiving or accepting delivery of any cigarettes without stamps affixed to evidence the payment of the tax, obtain from the Treasurer the requisite amount or number of stamps necessary to stamp such cigarettes and the possession of any unstamped cigarettes without the possession of the requisite amount or number of stamps shall be prima facie evidence that said cigarettes are possessed for the purpose of making a "first sale" thereof without stamps and without payment of the tax levied herein.

"Every distributor in this State shall cause all cigarettes received by him to have the requisite denominations and amount of stamps affixed to represent the tax as levied herein; provided, however, that any distributor who has obtained from the Treasurer and has in his possession the requisite amount and number of stamps necessary to stamp all cig-

arettes received by him may hold such cigarettes for a period of not longer than forty-eight (48) hours, excluding Sundays and legal holidays, before affixing the stamps as required herein.

"Sec. 6. Any distributor or other person engaged in interstate business who shall, within thirty (30) days from the date this law becomes effective, execute and file with the Comptroller a good and sufficient surety bond signed by the distributor or other person and a good and sufficient surety company or companies authorized to do business in this State shall be permitted to set aside such part of his stock of cigarettes as may be necessary for the conduct of such interstate business without affixing the stamps required by this Act. Provided, that such bond shall be approved by and acceptable to the Comptroller in an amount of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than double an amount necessary to stamp the largest quantity of cigarettes set aside at any time for the conduct of such business, and any quantity so set aside which is larger than that permitted in said bond shall be subject to the same requirements as cigarettes purchased or possessed for intrastate sale. Said interstate stock shall be kept in an entirely separate part of the building, separate and apart from stamped stock. The amount of the bond required of such distributor or other person shall be fixed by the Comptroller, and subject to the minimum limitation herein provided; additional bond or a new bond shall be required by the Comptroller at any time an existing bond becomes insufficient or the surety thereon becomes unsatisfactory, which additional bond or new bond shall be applied within ten (10) days after demand. Provided, that said bond or bonds shall be payable to the State of Texas in Austin, Travis County, Texas, and conditioned for the full, complete and faithful performance of all the conditions and requirements of this Act affecting said distributor or other person on a form to be prescribed by the Comptroller, with the approval of the Attorney General. Should the distributor or other person fail or refuse to supply a new bond or additional bond within ten (10) days after demand, the Comptroller shall have the power

and authority to cancel forthwith any existing bond made and executed by and for said distributor or other person. In the event said bond is cancelled, said distributor or other person shall within forty-eight (48) hours after said cancellation, excluding Sundays and legal holidays, cause any and all cigarettes received prior to said cancellation to have the requisite denomination and amount of stamps affixed to represent the tax as herein provided. Cigarettes set aside for interstate business which are not kept entirely separate and apart from intrastate stock shall be considered as intrastate stock and subject to the same requirements as cigarettes possessed for the purpose of a 'first sale.'

"The Comptroller is hereby authorized to prescribe and promulgate rules and regulations not inconsistent with this Act or Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature, for the purpose of regulating the sale of cigarettes for movement into States adjoining Texas when said cigarettes have the cigarette tax stamp of such adjoining State affixed thereto.

"Sec. 7. (a) Every distributor, wholesale dealer and retail dealer shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General a complete record of all cigarettes purchased or received by said distributor, wholesale dealer or retail dealer, including all invoices, bills of lading, way bills, freight bills, express receipts or copies thereof and all other shipping records furnished by the carrier and the seller or shipper of said cigarettes, and in addition thereto a book record in a well bound book which will provide complete information of all cigarettes purchased or received by said distributor, wholesale dealer or retail dealer at each place of business. Such book record shall show the date said cigarettes were received, with the designation of whether drop-shipment or otherwise, the name and address of the person from whom purchased and from whom received, the point from which shipped or delivered, the point at which received, the name of the carrier, if shipped by common carrier, the name of the boat or barge if shipped by water, whether registered mail, insured parcel post or

open mail if received by mail, the number and kind of cigarettes received with stamps affixed thereto, and, if a distributor, the number and kind of cigarettes received without the stamps affixed, and an inventory or inventories on the first of each month, showing the number and kind of cigarettes on hand with stamps affixed thereto, and, if a distributor, the number and kind without stamps affixed.

"(b) Every distributor shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General the invoice of stamps purchased or received from the Treasurer and in addition thereto a book record in a well bound book which will provide complete information of all stamps purchased from the Treasurer and the disposition thereof. Such record shall show the date of receipt of stamps purchased, the number or quantity of stamps, the denomination, and amount paid for stamps so purchased. Such record shall also show the number or quantity, the denomination and face value of stamps sold by requisition from the Comptroller with the name of purchaser of said requisitioned stamps, the number or quantity, the denomination and face value of stamps sent to or received from the Treasurer as an exchange and the inventory or inventories of all stamps on hand on the first day of each month, said inventory to show the number or quantity, denomination and face value of said stamps.

"(c) Every distributor and wholesale dealer shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General a complete record of each and every sale, distribution or use of cigarettes, regardless of whether or not the tax is due upon said cigarettes under the provisions of this Act, upon an invoice to be furnished by said distributor or wholesale dealer which invoice shall be issued in duplicate except when the sale or distribution is made by drop-shipment in which event the invoice shall be issued in triplicate, said invoice shall show the date of sale, distribution or use, the purchaser and his address, the means of

delivery, the name of the carrier if delivered by common carrier, whether registered mail, insured parcel post or open mail if delivered through the mail, the designation of drop-shipment if the sale is a drop-shipment made by a distributor, the number and kind of cigarettes sold, and if the sale is by a distributor the number and kind of cigarettes with the stamps affixed to each individual package, and the number and kind of cigarettes without the stamps affixed thereto, and in addition thereto the said invoices shall be supported by the receipts and other records furnished by the carrier of such cigarettes. The original of said invoice shall be delivered to the purchaser and the duplicate shall be kept by the distributor or wholesale dealer as the case may be; provided, however, that when the cigarettes are distributed or exchanged in any manner where no sale is involved that an explanation of such transaction shall be stated on said invoice. Provided, further, that where a distributor or wholesale dealer sells cigarettes at retail it will be sufficient for said distributor or wholesale dealer and he shall be required to issue an invoice to his retail department for cigarettes to be sold at retail and such stock of cigarettes invoiced for retail sales shall be kept separate and apart from the other stock of said distributor or wholesale dealer; provided, further, that every distributor and wholesale dealer shall keep at each place of business in Texas for a period of two (2) years for the inspection at all times by the authorized authorities a book record in a well bound book or books of all cigarettes sold, distributed or used by said distributor or wholesale dealer. Such book record shall include all information required to be kept on the invoice aforesaid.

"(d) Provided, that every person engaged in the business of selling cigarettes in interstate commerce only shall be required to keep such records and make such reports to the Comptroller as are required of a distributor.

"(e) Salesmen in the employ of a manufacturer, and handling only the products of his employer, who engages in the business of selling or distributing cigarettes with stamps affixed in this State for the purpose of resale, shall be required to keep the same records, for a period of two

(2) years for the inspection at all times of the Comptroller and the Attorney General, as are required of a wholesale dealer. Such salesman shall also be required to deliver the original of the invoice required to be made to the purchaser or recipient of said cigarettes.

"(f) 'Solicitors' engaged in the business of soliciting orders for cigarettes for shipment to points within this State shall keep in Texas for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General a complete record of all orders solicited and all orders taken for cigarettes for such shipments which record shall include the quantity and kind of cigarettes ordered or shipped, from whom ordered or by whom shipped, the full name and correct address of the purchaser, the date said cigarettes were ordered, and if available the date said cigarettes were shipped. Such record shall be kept for all cigarettes shipped to points within this State by the vendor whom the solicitor represents whether the order was taken by said solicitor or otherwise if said solicitor is given credit for or furnished records of such orders or such shipments."

Sec. 7. That Section 9 of House Bill 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, be and the same is hereby amended so as to read hereafter as follows:

"Sec. 9. (a) Every distributor shall make and deliver to the Comptroller in Austin, Travis County, Texas, on the 10th day of each month a report for the preceding calendar month, which report shall be properly sworn to and executed by the distributor, or his representative in charge, and which shall show the date said report was executed, the name and address of said distributor, the month which the report covers, the number of unstamped and the number of stamped cigarettes on hand at the beginning of the month, the number of unstamped and the number of stamped cigarettes purchased and received during the month, the number of unstamped and the number of stamped cigarettes returned from customers or received from any other source, the number of unstamped and the number of stamped cigarettes sold, used, lost, stolen, returned to the factory or disposed of in any

other manner, and the number of unstamped and the number of stamped cigarettes on hand at the end of the month. Said report shall show separately the number of cigarettes sold or distributed in intrastate commerce and the number sold or distributed in interstate commerce. Said report shall also show the number, denomination and face value of unused stamps on hand at the beginning of the month covered in the report, the number, denomination and face value of stamps purchased and received, the number, denomination and face value of stamps sold, used, lost, stolen, exchanged, returned to the Treasurer, or disposed of in any other manner and the number, denomination and face value of stamps on hand at the end of the month covered in the report. Provided, that said report shall also show separately all drop-shipments handled by or through said distributor during the period reported, which information shall include the date of shipment, the invoice number, the name and address of the consignee, the number and brand of such cigarettes and the means of delivery and a copy or copies of all invoices of such drop-shipments shall be attached to and sent with said report. Provided, further, that the comptroller may prepare and furnish a form prescribing the order in which the information required herein shall be set up in said report but the failure of any distributor to obtain such form from the Comptroller shall be no excuse for the failure to file a report containing all the information required to be reported herein.

"(b) If any distributor or other person fails or refuses to pay any tax, penalties and cost of audit herein provided, and it becomes necessary to bring suit or to intervene in any manner for the establishment or collection of said tax claims, in any judicial proceedings, any report filed in the office of the Comptroller by such distributor or his representative, or a certified copy thereof certified to by the Comptroller or his chief clerk, showing the number of cigarettes sold by such distributor or his representatives, upon which such tax, penalty and cost of audit has not been paid, or any audit made by the Comptroller or his representative from the books or records of

said distributor, or other person when signed and sworn to by such representative as being made from the records of said distributor or persons from whom such distributor has bought, received, or delivered cigarettes, whether from a transportation company or otherwise, such report or audit shall be admissible in evidence in such proceedings and shall be prima facie evidence of the contents thereof; provided, however, that the incorrectness of said report or audit may be shown.

"(c) In the event the Attorney General shall file suit or claim for taxes, provided for in the foregoing section, and attach or file as an exhibit any report or audit of said distributor, and an affidavit made by the Comptroller or his representatives that the taxes shown to be due by said report or audit are unpaid, that all payments and credits have been allowed, then, unless the party resisting the same shall file an answer in the same form and manner as required by Article 3736, Revised Civil Statutes of Texas, of 1925, as amended by Chapter 239, Acts of the Regular Session of the Forty-second Legislature, said audit or report shall be taken as prima facie evidence thereof, and the proceedings of said Article are hereby made applicable to suits to collect taxes hereunder."

Sec. 8. That Section 18 of House Bill 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, be, and the same is hereby amended so as to read hereafter as follows:

"Sec. 18. Every common and contract carrier transporting cigarettes in this State, whether in intrastate or interstate commerce, shall keep a complete record in Texas of all cigarettes so transported or handled which record shall show separately for each transaction the name of the consignor and consignee, the date of delivery, and the number or quantity of cigarettes transported or handled. Such records together with all other books or records which may be in the custody of said carriers showing the shipment of cigarettes shall be open to the inspection at all times of the Comptroller, Attorney General, and their authorized representatives and said common and contract carriers shall give and permit such authorities free access to

all such books and records and all cigarettes in the custody of such carriers."

Sec. 9. That all taxes, penalties and interest accruing to the State of Texas by virtue of any of the repealed or amended provisions as set out in this Act before the effective date of this Act shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties and interest accruing under the provisions of prior or pre-existing cigarette tax laws, and all such taxes, penalties and interest now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations to the State.

Sec. 10. The passage of this Act shall not affect offenses committed, or prosecutions begun, under any pre-existing law, but any such offenses or prosecutions may be conducted under the law as it existed at the time of the commission of the offense. Providing, that all other laws or parts of laws that conflict herewith are hereby in all things repealed.

Sec. 11. If any article, section, subsection, sentence, clause, phrase, or word of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, phrase, and word thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, phrases or words should be declared unconstitutional.

Sec. 12. The fact that the State of Texas has lost more than One Million Dollars in cigarette tax through injunctions granted by trial courts holding certain provisions of the law invalid, which provisions were later held valid by the Supreme Court of Texas, and the fact that at the present time restraining orders and injunctions may be obtained against the collection of such tax without proper and adequate security to the State to protect it from losses incurring by reason of such injunctions, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills

to be read on three separate days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Woodruff moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—23.

Beck	Pace
Brownlee	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Lemens	Sulak
Neal	Van Zandt
Nelson	Woodruff
Newton	

Nays—6.

Burns	Weinert
Moore	Westerfeld
Oncal	Winfield

Absent.

Holbrook

Absent—Excused.

Aikin

Bills Signed.

The Presiding Officer signed in the presence of the Senate, after giving due notice thereof, the following bills:

S. B. No. 229, "An Act to amend Article 4473 of the Revised Civil Statutes of 1925, relating to use of preservatives in food products, and declaring an emergency."

S. B. No. 230, "An Act to amend Article 709 of the Penal Code of 1925, relating to use of certain preservatives in foods, and declaring an emergency."

S. B. No. 336, "An Act to amend Section 16, Article 3902, Revised Civil Statutes 1925, as amended by Chapter 465, action of the Second Called Session, Forty-fourth Legislature."

S. B. No. 435, "An Act making an appropriation of \$20,000 to be used by the Attorney General for the purpose of paying costs and expenses in prosecuting the suit of the State of

Texas for recovery of transfer, succession or inheritance tax against the estate of Edward H. R. Green, under the provisions of Chapter 5, Title 122, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered its previous action and passed finally, by a record vote, the following bill:

H. B. No. 1016, A bill to be entitled "An Act amending Section 5 of Article 36-A of the Revised Civil Statutes of Texas, Acts, 1931, Forty-second Legislature, and declaring an emergency."

The House has adopted the Conference Committee report on S. J. R. No. 16 by a vote of 115 yeas and 0 nays.

The House has adopted the Conference Committee report on S. B. No. 193 by a vote of 117 yeas, 1 nay.

The House has adopted the Conference Committee report on S. B. No. 80 by a vote of 117 yeas, 1 nay.

The House has passed the following resolution:

H. C. R. No. 114, Authorizing the Enrolling Clerk of the House to correct the caption of H. B. No. 654.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 1016 on First Reading.

The following bill, received from the House today, was laid before the Senate, read first time and referred to the committee indicated:

H. B. No. 1016, to Committee on Civil Jurisprudence.

House Concurrent Resolution No. 114.

The Presiding Officer laid before the Senate the following resolution, received from the House today:

H. C. R. No. 114, Authorizing

correction in enrolled copy of H. B. No. 654.

On motion of Senator Neal and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended to permit consideration of the resolution at this time.

The resolution was adopted at this time by unanimous consent of the Senate.

Free Conference Committee on House Bill No. 55.

Senator Hill moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 55 be granted.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following free conference committee on the part of the Senate:

Senators Hill, Aikin, Beck, Lemens and Cotten.

Committee Substitute for Senate Bill No. 138 on Engrossment.

The Presiding Officer laid before the Senate, as unfinished business, on its passage to engrossment (the bill having been read second time on April 23, 1937):

C. S. for S. B. No. 138, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1937, and ending August 31, 1939, and for other purposes; and declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or reelection of any candidate or candidates for the head of such department and any public office and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is employed is directly interested and/or in behalf of the election or reelection of any person as head of such department; and prescribing certain other regulations and restrictions in respect to the appropriation made herein, and declaring an emergency."

With the following amendment by Senator Spears pending:

Amend S. B. No. 133 by striking out line 35, page 49, and substituting the following:

"3. Chief examiner \$4,000.00, \$4,000.00."

Question—Shall the amendment be adopted?

**Conference Committee Report on
Senate Bill No. 80.**

Senator Davis submitted the following report of the conference committee on S. B. No. 80:

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on S. B. No. 80, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that it be adopted in the form hereto attached.

DAVIS,
LEMENS,
ONEAL,
WINFIELD,
NEAL,

On the part of the Senate.

POPE,
McFARLAND,
VALE,
CELAYA,
PRESCOTT.

On the part of the House.

A BILL

To Be Entitled

An Act authorizing and empowering all Water Improvement Districts created and organized under Chapter 2, Title 128, Revised Civil Statutes of Texas, having a present combined acreage within the limits of said district of not less than 10,000 acres and not more than 15,000 acres when circumstanced as stated in Section 2 of this Act, to levy, assess and collect an annual tax not to exceed ten (10c) cents on the taxable properties situated within the boundaries of such district; provided such districts have sold sufficient of their bonds to pay for the obtaining and have obtained by the erection of a dam or dams, or otherwise its

water supply needed for the purpose of its creation, but has not constructed any canal, canals or other means of the diversion of water from such reservoir for irrigation purposes, and has exhausted the moneys obtained from such bond sales and are unable to obtain revenues for necessary repairs to its properties and to maintain and protect same and to meet any reasonable or necessary contingent or legal expense incurred in behalf of such districts, and to validate all taxes not to exceed the sum of Twenty (20c) cents on the One Hundred (\$100.00) Dollars valuation of such properties in any one year for all such purposes levied or assessed by any such Water Improvement District since the year 1931 when levied or assessed under such circumstances, but providing that the authority to raise such funds by taxation to meet such expense shall cease when available funds for such purposes are otherwise reasonably obtainable, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any water improvement district heretofore created and organized under Chapter 2 of Title 128 of the Revised Civil Statutes of the State of Texas having a present combined acreage within the limits of said district of not less than 10,000 acres, and not more than 15,000 acres, when circumstanced as stated in Section 2 of this Act, is hereby authorized and empowered to levy, assess and collect an annual tax on the taxable properties situated within the boundaries of such district, in order to raise funds reasonably sufficient to pay for necessary repairs to its properties, and to maintain and protect same, and to meet any reasonable and necessary contingent or legal expense incurred in behalf of such district, including valid and legal claims against such district for damages to the property of any other person or corporation, provided such tax shall not exceed Ten (10c) Cents on the One Hundred (\$100.00) Dollars valuation of such property for any one year.

Sec. 2. The authority to levy, assess and collect such taxes conferred by Section 1 of this Act is to be exercised only when any such district has legally authorized the issuance, and has issued its bonds or other

lawful evidence of indebtedness, and has sold a portion of its bonds or other evidences of indebtedness, and with the money thus obtained has constructed a dam across some stream and impounded the waters thereof, and has thereby created a reservoir and secured its water supply, but has not constructed any canal, canals or other means for the diversion of water from such reservoir for irrigation purposes, and is unable to sell sufficient of its other bonds at a price permitted by law, to raise money to construct such necessary canal or canals, and has not sufficient available revenues from any other source which it can lawfully apply to the purposes and uses mentioned in Section 1 of this Act; and the authority conferred by this Act to raise funds by taxation to meet such expenses and demands as are mentioned in Section 1 of this Act shall cease whenever sufficient funds legally applicable to such uses and purposes are otherwise reasonably available.

Sec. 3. All levies and assessments of taxes made since the year 1931 for any of the purposes mentioned in Section 1 of this Act by any water improvement district as defined in Section 1 of this Act, and circumscribed as set out in Section 2 of this Act, are hereby declared to be, and are hereby made valid and legal for all purposes, the same as if the authority to levy, assess and collect such taxes had been expressly conferred upon such districts prior to the time when such levies and assessments were made; provided, however, that this Act does not undertake to make valid and lawful, and does not make valid and lawful any such levy or assessment in any instance when such levy and assessment has exceeded the sum of Twenty (20c) Cents on the One Hundred (\$100.00) Dollars valuation of such property in any one year.

Sec. 4. Nothing herein contained shall be construed as taking away or limiting any power under any existing law to levy and collect any of the taxes hereinabove referred to, if such power does in fact exist.

Sec. 5. The fact that some taxes of the kind and character above defined in this Act heretofore levied and assessed, are now unpaid, and are seriously needed, and the further fact that there appears to be some question whether under the

present law the power to assess and collect such taxes exists, create an emergency and an imperative public necessity for the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Davis moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—30.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Aikin

Conference Committee Report on House Joint Resolution No. 2.

Senator Redditt submitted the following report of the Conference Committee on H. J. R. No. 2:

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate;

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the difference between the Senate and House on H. J. R. No. 2,

Have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that H. J. R. No. 2 be adopted in form hereto attached.

Very respectfully,

REDDITT,
SMALL,
STONE,
MOORE,
WEINERT,

On the part of the Senate.

STINSON,
GIBSON,
LEONARD,
ALEXANDER,
MOFFETT,

On the part of the House.

HOUSE JOINT RESOLUTION NO. 2.

Proposing an Amendment to Article III of the Constitution of the State of Texas, by adding a new Section thereto to be known as Section 48b, authorizing the Legislature to establish a system of unemployment insurance; providing for the levying of a tax on payrolls for such purpose; providing for its submission to the voters as required by the Constitution, and making an appropriation therefor. Be it resolved by the Legislature of the State of Texas:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding thereto immediately after Section 48, a Section to be known as Section 48b, to read as follows:

Sec. 48b. The Legislature may establish a system of unemployment insurance and provide funds therefor through a tax on payrolls, which tax may be graduated to provide an adequate system of merit rating based on stability of employment, and providing for such exemptions and classifications as the Legislature may deem proper, but no payroll tax levied on any taxpayer by the State in any year shall exceed the amount allowed to said taxpayer in this State as a credit on his Federal tax on payrolls and employment within this State under any valid system of unemployment insurance adopted by the Federal Government.

No tax other than a payroll tax shall be levied for unemployment insurance, nor shall any appropriation be made out of any other tax funds for the support of unemployment insurance.

Any pre-existing laws in this State providing for a system of unemployment insurance shall remain in full force and effect until a period not to exceed six months after the date for the convening of the first regular session of the Legislature following the adoption of this Amendment. Provided, however, that if the Supreme Court of the United States shall declare invalid the National Social Security Act pertaining to un-

employment insurance, then and in that event, all pre-existing law on unemployment insurance in this State shall immediately become invalid.

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State, at an election to be held on the fourth Monday in August, 1937, at which election all voters favoring said proposed Amendment shall write or have printed on their ballots, the words:

"For the Amendment to the Constitution of the State of Texas, authorizing the establishment of a system of unemployment insurance and providing funds therefor by a tax on pay rolls."

Those opposing said proposed Amendment shall write or have printed on their ballots, the words:

"Against the Amendment to the Constitution of the State of Texas, authorizing the establishment of a system of unemployment insurance and providing funds therefor by a tax on pay rolls."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have same published as required by the Constitution for amendments thereto.

Sec. 4. The sum of Five Thousand Dollars (\$5,000.) or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State of Texas, not otherwise appropriated, to pay the expenses of such publication and election.

Senator Redditt moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—30.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Aikin

Recess.

Senator Oneal moved that the Senate recess to 2:30 o'clock p. m., today.

The motion prevailed, and the Senate, accordingly, at 12:05 o'clock p. m., took recess to 2:30 o'clock p. m., today.

Afternoon Session.

The Senate met at 2:30 o'clock p. m., and was called to order by Senator Moore.

Committee Substitute for Senate Bill No. 138 on Engrossment.

The Senate resumed consideration of pending business, same being C. S. for S. B. No. 138 (the departmental appropriation bill), on passage to engrossment; with amendment by Senator Spears pending.

Senator Spears offered the following amendment to the amendment:

Amend the amendment by inserting "3600" in lieu of "4000."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Spears offered the following amendment to the bill:

Amend C. S. for S. B. No. 138 by striking out line 30 and 31, page 50, and substituting in lieu thereof the following:

44. "Bridge inspectors, 13 at
\$1,800.00 per year
—\$23,400.00 \$23,400.00"

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend C. S. for S. B. No. 138 by striking out line 27, page 50 and substituting in lieu therefor the following:

Amend C. S. for S. B. No. 138 by striking out all that part thereof from and including line 10, page 9, to and including line 51, page 10, and substituting therefor the following:

1. Commissioner	\$	6,000.00	\$	6,000.00
2. Deputy Commissioner		5,000.00		5,000.00
3. Departmental Examiner		4,500.00		4,500.00
4. Bank Examiners & Assistant Examiners				
4 @ \$4,500—		\$18,000		
2 @ 4,250—		8,500		
2 @ 4,000—		8,000		
2 @ 3,750—		7,500		

42. "Chief Clerk

—\$1,800.00 \$1,800.00

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend C. S. for S. B. No. 138, page 70, line 4, by striking out the figures "\$1800.00" in column 1 and 2 and inserting in lieu thereof the figures "\$3,000.00."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend C. S. for S. B. No. 138 by inserting line 36a, page 70, to read as follows: Mailing and filing clerk at \$1500.00 in columns 1 and 2.

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend C. S. for S. B. No. 138, page 22, by adding the following at the end of line 45 to read as follows:

"The money herein appropriated to the Board of Pardons and Paroles shall be spent under the following rules and regulations which shall be strictly complied with in every detail:

A majority of said Board shall spend ten (10) days each month upon the Units of the Prison System interviewing eligible convicts for clemency, and said Board Member shall file with the State Comptroller a sworn statement showing the number of days spent on Units of the Prison System visiting convicts, the number of convicts interviewed, giving their name and number, and what disposition has been made of their cases, and it is hereby provided that said Comptroller shall not issue a warrant to said Board Members until this provision is complied with in full."

The amendment was adopted.

Senator Collie offered the following amendment to the bill:

Assistant Examiners

6 @ \$2,400—\$14,400		
Total	\$ 56,400.00	\$ 56,400.00
5. Call ledger and charter	1,800.00	1,800.00
6. Sect & 2 Stenographers		
1 @ \$1,500 and 2 @ \$1,350	4,200.00	4,200.00
7. Book-keeper & General Clerk	2,700.00	2,700.00
8. General file clerk & typist	1,200.00	1,200.00
9. Telephone operator & clerk	1,260.00	1,260.00
10. Porter and mailing clerk	684.00	684.00
Total Salaries	\$ 83,744.00	\$ 83,744.00

Maintenance & Misc. Expenses:

11. Contingent expenses	\$ 450.00	\$ 450.00
12. Furniture, Fixtures and Equipment	500.00	500.00
13. Postage, telephone, telegraph, stationery and ice	3,500.00	3,500.00
14. Printing and binding, including reports	750.00	750.00
15. Expenses and salaries of examiners and other employees and other expenses necessary to carry out the provisions of building and loan association laws, including the payment of bond premiums, supervising examiner to be paid not exceeding \$4,250.00 per year, one-half of said salary to be paid from building and loan fees and one-half from loan and brokerage fees; examiners to be paid not exceeding \$3,600 per year; assistant examiners to be paid not exceeding \$2,100 per year; legal assistant, part-time, not exceeding \$2,400 per year; stenographers and other clerical help not exceeding \$1,260 per year each, all of which amounts shall be paid only from fees or assessments collected under the provisions of Senate Bill No. 111 of the Second Called Session of the Forty-first Legislature and any amendments thereto; which are hereby appropriated for said purposes for each of said years, together with unexpended balances of fees at the end of each of the fiscal years 1937, 1938 and 1939, to be re-appropriated for the purpose of carrying out the provisions of this Act; and the following amounts are appropriated out of the general revenue fund as an advancement to be used during the first 180 days of each fiscal year until sufficient examining fees are received to reimburse said general fund, sums of	5,000.00	5,000.00
16. Expenses and salaries of examiners and of employees and other expenses necessary to carry out the provisions of Senate Bill No. 165, Acts of the Forty-second Legislature, governing loan and brokerage companies, supervising examiner to be paid not exceeding \$4,250, one-half of said salary to be paid from building and loan fees and one-half to be paid from loan and brokerage fees; examiners to be paid according to the provisions of Section 2 of Senate Bill 165; filing clerk		

not to exceed \$1260; stenographers not to exceed \$1350, all of which amounts shall be paid only from the fees collected under the provisions of said law and any amendments thereto, which are hereby appropriated for said purposes for each of said years, together with any unexpended balances of fees to be reappropriated for the purpose of carrying out the provisions of this act.....			all fees
17. All fees collected under Chapter 11, Acts of the Forty-first legislature, providing for the organization and supervision of credit unions.....			all fees
18. Printing and distributing law books; same to be sold.....	500.00	500.00	
19. Traveling expenses of Commissioner employees, and all authorized representatives of the Banking Department.....	22,500.00	22,500.00	
20. Surety bond premiums.....	450.00	450.00	
Total maintenance and miscellaneous	\$ 33,650.00	\$ 33,650.00	
Grand Totals, Banking Department.....	117,394.00	117,394.00	

And further amend C. S. for S. B. No. 138, by Redditt, by striking out line 43, page 78 and substituting therefor the following
 Banking Department\$117,394.00 \$117,394.00

The amendment was adopted.

Senator Collie offered the following amendment to the bill:

Amend C. S. for S. B. No. 138, page 41, line 51, by striking out said line and substituting in lieu thereof the following:

"Vacancy and Title Attorney.....
 \$3600.00 \$3600.00."
 "Legal Examiner.....
 \$3600.00 \$3600.00."

On motion of Senator Redditt, the amendment was tabled.

Senator Collie offered the following amendment to the bill:

Amend C. S. for S. B. No. 138, page 53, line 28 by striking out the word "five" and insert in lieu thereof the word "two" and by striking out all the remaining provisions of the paragraph after the word "assistance" in line 29.

Senator Roberts offered the following substitute for the amendment:

Amend C. S. for S. B. No. 138, by striking out all after "assistance" in line 24 on page 53 through line 38, inclusive.

The substitute was adopted.

The amendment as substituted was adopted.

Senator Hill offered the following amendment to the bill:

Amend C. S. for S. B. No. 138, page 12 of printed bill, line 43, being item 32 so that hereafter the same shall read as follows:

"Carpenter-locksmith.....
 \$1800.00 \$1800.00."

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend C. S. for S. B. No. 138, line 24, page 69, by striking out in line 24 the figures "\$2100.00" and insert in lieu thereof "\$2400.00."

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend C. S. for S. B. No. 138, by striking out in line 25, page 69, figures "\$1,250.00" and insert in lieu thereof "\$1,500.00."

Senator Sulak offered the following amendment to the bill:

Amend C. S. for S. B. No. 138 by striking out in line 28, page 69, the figures "\$1,500.00" and insert in lieu thereof "\$1,800.00."

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend C. S. for S. B. No. 138 by striking out in line 30, the figures

"\$1,500.00" and insert in lieu thereof "\$1,800.00."

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend C. S. for S. B. No. 138 by striking out in line 33, page 69, figures "\$1,500.00" and inserting in lieu thereof "\$1,800.00."

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend C. S. for S. B. No. 138, line 55, item 29, on page 5 of the printed bill, by striking out the figures "\$21,500.00" and insert in lieu thereof "\$35,000.00."

The amendment was lost.

Senator Sulak offered the following amendment to the bill:

Amend C. S. for S. B. No. 138 by striking out in line 54, item 28, on page 5 of the printed bill, the figures "\$2,000.00" and insert in lieu thereof "\$4,000.00" for each year.

On motion of Senator Roberts, the amendment was tabled.

Senator Holbrook offered the following amendment to the bill:

Amend C. S. for S. B. No. 138, page 56, line 53, by striking out "\$80.00" and substituting in figures "\$100.00" and changing the totals to correspond.

HOLBROOK,
BURNS.

Senator Weinert moved the previous question on the pending amendment and on all amendments which are now ready to be offered, and which shall be transmitted immediately to the secretary's desk, and on the passage on the bill to engrossment; and the main question was ordered.

Question first recurring on the amendment by Senator Holbrook, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—20.

Brownlee	Isbell
Burns	Lemens
Collie	Moore
Davis	Neal
Head	Newton
Hill	Rawlings
Holbrook	Shivers

Spears
Stone
Weinert

Westerfeld
Winfield
Woodruff

Nays—10.

Beck
Cotten
Nelson
Oneal
Pace

Redditt
Roberts
Small
Sulak
Van Zandt

Absent—Excused.

Aikin

Question next recurred on the following amendment by Senator Moore:

Amend C. S. for S. B. No. 138, page 52, line 43, by substituting "160" for "240" and "\$336,000" for "\$504,000" in each place where such appears in such line.

The amendment was adopted.

Question next recurred on the following amendment by Senator Holbrook:

Amend C. S. for S. B. No. 138 by striking out in line 33, page 67, of the printed bill the figures (in col. 1 and 2) "\$17,000.00" and insert in lieu thereof, in each column, the figures "\$25,000.00."

The amendment was lost.

Senator Davis moved to reconsider the vote by which the main question was ordered, and the motion was lost.

Question next recurred on the following amendment by Senator Moore:

Amend C. S. for S. B. No. 138, page — by adding a new item reading as follows:

"For the purchase of lots 1, 2, 3, and 4 in Block 159 City of Austin, together with improvements thereon, \$76,000.

"Should this purchase be completed prior to August 31, 1937, this shall supercede all appropriations for rent for the Old Age Assistance Commission and the Texas Liquor Control Board. The title to such property to be approved by the Attorney General."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—19.

Beck
Brownlee
Burns
Cotten
Hill

Moore
Neal
Nelson
Newton
Pace

Rawlings	Van Zandt
Shivers	Westerfeld
Small	Winfield
Spears	Woodruff
Stone	

Nays—9.

Collie	Oneal
Davis	Redditt
Head	Sulak
Isbell	Weinert
Lemens	

Present—Not Voting.

Holbrook

Absent.

Roberts

Absent—Excused.

Aikin

Question next recurred on the following amendment by Senator Davis:

Amend C. S. for S. B. No. 138 by striking out the figures "\$120,000" wherever found in line 56, page 51, and insert in lieu thereof the figures "\$150,000.00."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—18.

Collie	Oneal
Cotten	Rawlings
Davis	Spears
Holbrook	Stone
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—9.

Beck	Redditt
Burns	Shivers
Hill	Small
Isbell	Sulak
Pace	

Absent.

Brownlee	Roberts
Head	

Absent—Excused.

Aikin

Question next recurred on the following amendment by Senator Davis:

Amend C. S. for S. B. No. 138 by striking out the figures "\$1,800.00" wherever found in line 11, page 48, and insert in lieu thereof the figures "\$2100.00."

The amendment was lost.

Question next recurred on the following amendment by Senator Spears:

Amend C. S. for S. B. No. 138, page 49, line 57 by striking out "\$2100.00" and substituting "\$2400.00"

The amendment was lost.

Question next recurred on the following amendment by Senator Spears:

Amend C. S. for S. B. No. 138 under the heading Attorney General's Department, under the item of salaries No. 17 at page 6, line 59 of the printed bill by striking said line and inserting in lieu thereof the following:

"59. 7. Stenographers, 12 none to exceed \$125.00 per month, \$18,000.00 each year."

The amendment was lost.

Question next recurred on the following amendment by Senator Spears:

Amend C. S. for S. B. No. 138 under the heading Attorney General's Department, item 14, page 7, between the lines 10 and 11, inclusive, of the printed bill so that the same shall hereafter read as follows:

"14. Law enforcement and traveling expense, provided that no part of this appropriation shall be paid as salary or fees in excess of \$105.00 to any attorney or other person, \$25,000.00 each year."

The amendment was lost.

Question next recurred on the following amendment by Senator Woodruff:

Amend C. S. for S. B. No. 138, by adding immediately after the section appropriating for salaries and maintenance of the Texas State Parks Board the following:

"It is expressly provided that neither the Board provided and authorized to purchase the lands to be a part of and included in the Big Bend National Park in Brewster County, Texas, nor any other agency acting for it or in such behalf shall have the right of eminent domain and no condemnation proceedings shall lie against any private owner of lands situated within the area of the proposed park, for purposes of acquiring title to such land."

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—8.

Beck	Shivers
Burns	Sulak
Cotten	Van Zandt
Pace	Woodruff

Nays—19.

Brownlee	Newton
Collie	Oneal
Davis	Rawlings
Hill	Redditt
Holbrook	Spears
Isbell	Stone
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	

Absent.

Head	Small
Roberts	

Absent—Excused.

Aikin

Question next recurred on the following amendment by Senator Cotten:

Amend C. S. for S. B. No. 138, page 70, line 5 by striking out the figures "\$1,500.00" columns 1 and 2 and inserting in lieu thereof the figures "\$1,890.00."

The amendment was adopted.

Question next recurred on the following amendment by Senator Cotten:

Amend C. S. for S. B. No. 138, page 56, sub-section 55, line 50, by striking out the figures "\$1,732.00" in column 1 and column 2, and inserting in lieu thereof the figures "\$2,400.00."

The amendment was lost.

Question next recurred on the following amendment by Senator Cotten:

Amend C. S. for S. B. No. 138, page 17, subsection 4, line 56, by striking out the figures "\$1,500.00" in line 1 and 2, and inserting in lieu thereof the figures "\$1,800.00."

The amendment was lost.

Question next recurred on the following amendment by Senator Cotten:

Amend C. S. for S. B. No. 138, page 11, sub-section 3, line 20, by striking out the following "\$135" and inserting in lieu thereof the following "\$150."

The amendment was lost.

Question next recurred on the following amendment by Senator Burns:

Amend C. S. for S. B. No. 138, page 56, by adding a new line to be numbered 54a:

"For the purpose of building, constructing and equipping a dormitory on Central State Prison Farm for the year 1939, \$75,000. Said building to be located by the Prison Board between Camp No. 1 and Camp No. 2."

BURNS,
HOLBROOK.

The amendment was lost.

Question next recurred on the following amendment by Senator Van Zandt:

Amend C. S. for S. B. No. 138, page 11, line 9, by striking out the figures "\$5,000.00" in each column and substituting in lieu thereof the figures "\$10,000.00," and change totals to conform.

The amendment was lost.

Senator Rawlings, by unanimous consent, moved to reconsider to vote by which the amendment by Senator Van Zandt was lost.

The motion prevailed.

The amendment then was adopted.

Question next recurred on the following amendment by Senator Burns:

Amend C. S. for S. B. No. 138, page 56, by adding a new line to be known as line 46-C, to read as follows:

"There is hereby appropriated to the Texas Prison System for the Classification Department, one director, Thirty-six Hundred (\$3600.00) Dollars each year, one part-time psychiatrist, Twenty-one Hundred (\$2100.00) Dollars each year, and one stenographer who shall have the qualifications of a court reporter at Eighteen Hundred (\$1800.00) Dollars each year, and one psychologist at Fifteen Hundred (\$1500.00) Dollars each year."

The amendment was lost.

Question next recurred on the following amendment by Senator Burns:

Amend C. S. for S. B. No. 138, page 57, item 73, by adding a new line to be known as line 73-A, to read as follows:

"The Board of Control shall give to the Prison System a sufficient amount of printing, not to exceed Seventy-five Thousand (\$75,000.00)

Dollars a year, and the said General Manager of the Prison System shall contract with the Board of Control for this printing for the State Departments only."

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—11.

Burns	Small
Collie	Stone
Davis	Van Zandt
Holbrook	Weinert
Isbell	Woodruff
Redditt	

Nays—18.

Beck	Oneal
Brownlee	Pace
Cotten	Rawlings
Hill	Roberts
Lemens	Shivers
Moore	Spears
Neal	Sulak
Nelson	Westerfeld
Newton	Winfield

Absent.

Head

Absent—Excused.

Aikin

Question next recurred on the following amendment by Senator Woodruff:

Amend C. S. for S. B. No. 138 by striking out line 19, page 26, and insert in lieu thereof the following:

"Director \$3,000.00 \$3,000.00," and by striking out line 6, page 26, and inserting in lieu thereof the following:

"Secretary \$1,560.00 \$1,560.00.
Assistant Secretary _____ \$1,500.00 \$1,500.00."

The amendment was lost.

Question next recurred on the following amendment by Senators Shivers and Brownlee:

Amend C. S. for S. B. No. 138, by adding on page 13, after line 64, the following:

"Section 1. The Board of Control of the State of Texas is hereby authorized to select and purchase land for a building site and to erect thereon a state office building of such proportions as will adequately provide sufficient office space for all State Departments not otherwise lo-

cated in state buildings. The Board of Control is hereby given full authority to negotiate for such lands as are necessary and secure plans for the erection and to supervise the construction or to erect thereon said office building. Such state office building shall be of fire proof construction.

"Sec. 2. Competitive bids and/or offers on suitable building sites shall be called for by the Board of Control, but no land shall be purchased until the title to same is approved by the Attorney General of Texas.

"Sec. 3. There is appropriated out of money in the State Treasury not otherwise appropriated the sum of One Million Dollars (\$1,000,000.00) or so much thereof as may be necessary for the purchase of suitable lands for and to erect and construct thereon a state office building."

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—7.

Brownlee	Stone
Holbrook	Westerfeld
Shivers	Winfield
Spears	

Nays—23.

Beck	Newton
Burns	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Small
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Woodruff
Nelson	

Absent—Excused.

Aikin

Question recurred on the following amendment by Senator Shivers:

Amend C. S. for S. B. No. 138, line 52, page 22, by striking out figures "\$1,500.00" and substituting in lieu thereof the figures "\$2,100.00" and correcting totals to conform.

The amendment was lost.

Question next recurred on the following amendment by Senator Winfield:

Amend C. S. for S. B. No. 138, page 23, line 13, by striking out the figures "\$1,000.00" wherever they appear and inserting in lieu thereof the figures "\$3,000.00."

The amendment was lost.

Question next recurred on the following amendment by Senator Winfield:

Amend C. S. for S. B. No. 138, page 23, by adding between lines 13 and 14 the following:

"For defraying one-half of the costs of obtaining certain measurements, statistics and data for use by the Supreme Court of the United States, as directed by the Master in Chancery, relative to the pending litigation between the States of Colorado, New Mexico and Texas as to the use of the waters of the Rio Grande River, as per stipulation between said three states through their respective representatives and compact commissioners on March 15th, 1937, to be furnished to said Master in Chancery and the Supreme Court of the United States on or before October 1st, 1937. For year ending Aug. 31st, 1938, \$20,000.00."

The amendment was lost.

Question next recurred on the following amendment by Senator Winfield:

Amend C. S. for S. B. No. 138, page 22, line 59, by striking out the figures "\$1,800.00" wherever they appear and insert in lieu thereof the figures "\$2,500.00."

The amendment was lost.

Question next recurred on the following amendment by Senator Westerfeld:

Amend C. S. for S. B. No. 138, page 76, by inserting therein following paragraph ending line 30, a new paragraph as follows:

"All employees, who are now working in any of the departments covered by this Act, or who shall be hereinafter employed who resign, take a vacation, or otherwise leave any department to work during a regular or call session of the legislature in any capacity around or in connection with the legislature, shall not be permitted to work for the State of Texas in any capacity for a term of two years."

The amendment was lost.

Question next recurred on the following amendment by Senator Westerfeld:

Amend C. S. for S. B. No. 138,

pages 49 and 50 by striking out all appropriations for the Liquor Control Board and inserting in lieu thereof the following:

"\$150,000.00 is hereby appropriated to be expended by the Comptroller in the enforcement of the collection of taxes on all kinds of liquors permitted to be sold in Texas under the law."

The amendment was lost.

Question next recurred on the following amendment by Senator Brownlee:

Amend C. S. for S. B. No. 138 by striking out line 24, page 44, and inserting in lieu thereof the following:

"60. Road log supervisor _____
\$1,800.00 \$1,800.00."

The amendment was lost.

Question next recurred on the following amendment by Senator Brownlee:

Amend C. S. for S. B. No. 138 by striking out line 4, page 53.

The amendment was adopted.

Record of Vote.

Senator Oneal asked to be recorded as voting "nay" on the amendment.

Question next recurred on the following amendment by Senator Collie:

Amend C. S. for S. B. No. 138, page 12, line 22, by striking out said line and insert in lieu thereof the following:

"Purchasing agent for drugs and chemicals — \$2,400.00 \$2,400.00."

The amendment was lost.

Question next recurred on the following amendment by Senator Lemens:

Amend C. S. for S. B. No. 138, page 18, by inserting between lines 18 and 19 the following:

"For publication of Insurance Laws, \$2,500.00, for first year only."

The amendment was lost.

Question next recurred on the following amendment by Senator Lemens:

Amend C. S. for S. B. No. 138, page 17, line 63 by striking out the word "(two)."

The amendment was lost.

Question next recurred on the following amendment by Senator Lemens:

Amend C. S. for S. B. No. 138, page 17, by adding between lines 59 and 60 the following:

"Tabulating machine operator, \$1,800.00, for each year."

The amendment was lost.

Question next recurred on the following amendment by Senator Spears:

Amend C. S. for S. B. No. 138 by striking out line 24, page 50, and substituting in lieu therefor the following:

"40. Chief Deputy Supervisor, \$3,600.00, each year."

The amendment was lost.

Question next recurred on the following amendment by Senator Spears:

Amend C. S. for S. B. No. 138 by striking out lines 25 and 26, page 50, and substituting in lieu therefor the following:

"41. Deputy Supervisors, 24 at \$2,700.00 per year."

\$64,800.00 \$64,800.00."

The amendment was lost.

Question next recurred on the following amendment by Senator Spears:

Amend C. S. for S. B. No. 138 by striking out line 34, page 50, and substituting in lieu therefor the following:

"46. Chemists, two at \$2,400.00 per year \$4,800.00 \$4,800.00."

The amendment was lost.

Question next recurred on the following amendment by Senator Spears:

Amend C. S. for S. B. No. 138 by striking out lines 28 and 29, page 50, and substituting in lieu therefor the following:

"43. Inspectors, one hundred and fifty-two at \$2,100.00"

\$319,200.00 \$319,200.00."

The amendment was lost.

C. S. for S. B. No. 138 then was passed to engrossment.

Committee Substitute for Senate Bill No. 138 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for S. B. No. 138 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Beck	Davis
Brownlee	Head
Burns	Hill
Cotten	Holbrook

Lemens

Moore

Neal

Nelson

Newton

Oneal

Pace

Rawlings

Redditt

Roberts

Shivers

Small

Spears

Stone

Sulak

Van Zandt

Weinert

Winfield

Woodruff

Nays—3.

Collie

Isbell

Westerfeld

Absent—Excused.

Aikin

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Davis offered the following amendment to the bill:

Amend S. B. No. 138 by striking out the figures "\$1,800.00" for each year, in line 11 page 48, and inserting in lieu thereof "\$2,100.00."

Senator Redditt moved the previous question on the amendment and the final passage of the bill, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—24.

Brownlee

Burns

Collie

Cotten

Davis

Head

Hill

Holbrook

Isbell

Moore

Neal

Nelson

Newton

Rawlings

Redditt

Shivers

Small

Spears

Stone

Van Zandt

Weinert

Westerfeld

Winfield

Woodruff

Nays—5.

Beck

Oneal

Pace

Roberts

Sulak

Present—Not Voting.

Lemens

Absent—Excused.

Aikin

C. S. for S. B. No. 138 then was passed by the following vote:
Yeas—26.

Brownlee	Pace
Burns	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Lemens	Stone
Moore	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Newton	Winfield
Oneal	Woodruff

Nays—4.

Beck	Isbell
Collie	Sulak

Absent—Excused.

Aikin

**Free Conference Committee on
House Bill No. 650.**

Senator Pace moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 650 be granted.

Accordingly, the Presiding Officer announced the appointment of the following Free Conference Committee on the part of the Senate:

Senators Woodruff, Pace, Neal, Shivers and Burns.

**Committee Substitute for Senate Bill
No. 140 on Second Reading.**

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

C. S. for S. B. No. 140, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the eleemosynary institutions of the State of Texas for the two-year period beginning September 1, 1937, and ending August 31, 1939, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations, and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Redditt moved the previous question on the engrossment of the bill, and the main question was ordered.

C. S. for S. B. No. 140 then was passed to engrossment.

**Committee Substitute for Senate Bill
No. 140 on Third Reading.**

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for S. B. No. 140 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Aikin

(President Pro Tempore in the Chair.)

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

Senator Winfield offered the following amendment to the bill:

Amend C. S. for S. B. No. 140, page 26 by adding between lines 23 and 24 a new item to be known as Item 73a, said Item 73a to read as follows:

"Item 73a. For the hospitalization of tuberculosis patients in recognized, established private tuberculosis sanatoria at a cost of not to exceed Two Dollars and Fifty (\$2.50) Cents per day for any one patient, subject to the provisions hereinafter contained

For	For
Year Ending	Year Ending
Aug. 31, 1938	Aug. 31, 1939
\$180,000.00	\$180,000.00"

Senator Holbrook moved the previous question to the amendment and the passage of the bill, and the main question was ordered.

The amendment was adopted by the following vote:

Yeas—19.

Brownlee	Rawlings
Burns	Redditt
Cotten	Small
Head	Spears
Hill	Stone
Moore	Sulak
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Pace	

Nays—9.

Beck	Oneal
Collie	Roberts
Davis	Shivers
Holbrook	Van Zandt
Lemens	

Absent.

Isbell	Weinert
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Absent—Excused.

Aikin

C. S. for S. B. No. 140 was passed.

Senate Bill No. 331 on Engrossment.

Senator Hill called up from the President's table, for further consideration at this time (the bill having been read second time, and tabled subject to call on April 16, 1937):

S. B. No. 331, A bill to be entitled "An Act to amend Chapter 246, page 624, Acts of the Forty-fourth Legislature, being Section 10 of Article 6066a, Subsections (b) and (c); and amending Section 13, Article 6049e, Revised Civil Statutes of 1925, as amended; and declaring an emergency."

The President laid the bill before the Senate on its passage to engrossment.

Senator Redditt moved the previous question on the passage of the bill to engrossment, and the main question was ordered.

The bill then was passed to engrossment.

Motion to Suspend Constitutional Rule.

Senator Hill moved that the constitutional rule requiring bills to be

read on three several days be suspended and that S. B. No. 331 be placed on its third reading and final passage.

The motion was lost by the following vote, (not receiving the necessary four-fifths vote):

Yeas—21.

Beck	Rawlings
Burns	Redditt
Cotten	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Nelson	Westerfeld
Newton	Winfield
Pace	

Nays—6.

Brownlee	Neal
Collie	Van Zandt
Woodruff	Moore

Present—Not Voting.

Weinert

Absent.

Oneal

Absent—Excused.

Aikin

Davis

Committee Substitute for Senate Bill No. 139 on Second Reading.

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 139, A bill to be entitled "An Act making appropriations for the support, maintenance, operation, and improvement of the State institutions of higher learning for the two (2) fiscal years beginning September 1, 1937, and ending August 31, 1939, and for certain other educational agencies of the State, prescribing certain restrictions concerning the expenditures of said appropriations, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate and it was read second time.

Senator Stone moved the previous question on the passage of the bill

to engrossment, and the main question was ordered.

C. S. for S. B. No. 139 then was passed to engrossment.

Committee Substitute for Senate Bill No. 139 on Third Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 139 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—2.

Beck	Sulak
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Absent—Excused.

Aikin

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Brownlee	Pace
Burns	Rawlings
Cotten	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Van Zandt
Neal	Weinert
Nelson	Winfield
Newton	Woodruff
Oneal	

Nays—3.

Beck	Sulak
Collie	

Absent.

Davis	Westerfeld
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Absent—Excused.

Aikin

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 441 by a vote of 119 yeas, 0 nays.

The House has adopted the Conference Committee report on H. J. R. No. 2 by a vote of 112 yeas, 4 nays.

The House has concurred in Senate amendments to H. B. No. 861 by a vote of 132 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 392 by a viva voce vote.

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 407. The following conferees are appointed on the part of the House:

Messrs: Worley, Boyer, Little, Lanning, Tarwater.

The House has passed the following bills:

H. B. No. 58, A bill to be entitled "An Act to protect trade mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade mark, brand or name, and to facilitate fair trade, defining certain terms, and declaring an emergency."

H. B. No. 838, A bill to be entitled "An Act providing for and fixing the salaries of the members of the Judiciary of the State of Texas and making appropriations therefor; and making appropriation for the support and maintenance of the Judicial Department of the State of Texas for the two (2) years beginning September 1, 1937, and ending August 31, 1939; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in

the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; amending Section 1 of H. B. No. 280, Chapter 148, Acts of the Regular Session of the Forty-third Legislature; repealing all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolutions Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following bills and resolutions:

C. S. for H. B. No. 975, "An Act making a supplemental appropriation out of the General Revenue of the State of Texas for the Department of Agriculture; for the Attorney General's Department; for the State Parks Board; for the State Service Officer; for the Department of Public Safety for the support and maintenance of the Bureau of Identification and Records and of the Intelligence Bureau of said Department; for the State Treasury Department; for the General Land Office; for the Crippled Children's Division of the State Department of Education; for the State Judiciary, and declaring an emergency."

H. B. No. 216, "An Act to amend Articles 2503, 2504, and 2507, Title Forty-six, Revised Civil Statutes of Texas, 1925, having relation to the capital structure and interest charges of mutual loan corporations."

H. C. R. No. 112, Requesting the return of H. B. No. 1016 to the House of Representatives, heretofore passed finally, for the purpose of obtaining a record vote on same.

House Bills on First Reading.

H. B. Nos. 58 and 838, received from the House today, were laid before the Senate, read first time and referred respectively to the Committee on Commerce and Manufacturers and the Committee on Finance.

House Bill No. 438 on Second Reading.

On motion of Senator Spears, and by unanimous consent, the regular order of business was suspended to

take up and have placed on its second reading and passage to third reading:

H. B. No. 438, A bill to be entitled "An Act to amend Chapter 51, Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature as amended by Chapter 36, General Laws passed at the Regular Session of the Forty-third Legislature, pertaining to San Antonio Independent School District, by adding thereto Section 6-a, authorizing the district to borrow money and to pledge its delinquent taxes levied for maintenance and operation expenses as security for such loans, ratifying and confirming such actions heretofore taken by the district and its governing board, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 438 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 438 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Aikin

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Aikin

Senate Joint Resolution No. 5 on
Engrossment.

Senator Sulak called up S. J. R. No. 5 from the President's table on its passage to engrossment, with amendment by Senator Small and amendment to the amendment by Senator Oneal pending.

On motion of Senator Small the pending amendments were tabled subject to call.

Senator Collie offered the following amendment to the resolution:

Amend S. J. R. No. 5 by striking out all below the resolving clause and inserting in lieu thereof:

Proposition 1.

Section 1. That Section 51-b of Article III of the Constitution of the State of Texas be so amended as to hereafter read as follows:

Sec. 51-b. (1) The Legislature shall have power by general laws to provide for financial assistance not to exceed Fifteen (\$15.00) Dollars per month to individual citizens over the age of sixty-five (65) years, to needy individual citizens who are blind, to needy individual citizens who are unfit for employment due to disease, and to needy dependent children, and to provide reasonable facilities for promoting and protecting the health of needy mothers and children, including adequate medical, surgical and corrective services and care for crippled children. No such financial assistance shall be granted to an habitual criminal, habitual drunkard or to an inmate of any State supported institution, and such assistance shall be confined to actual

bona fide citizens of Texas who have resided in this State for as many as five years during the nine years immediately preceding the grant of assistance and continuously for one year immediately preceding such grant, provided the Legislature may impose such requirements as to residence and citizenship of dependent mothers and children as may by it seem proper.

(2) To provide revenue with which to discharge the functions authorized herein the Legislature may accept financial aid from the United States Government and shall levy and cause to be collected a tax on retail sales not to exceed two (2%) per cent of the gross amounts thereof. The term "retail sale" shall mean the sale or transfer of any goods, wares, merchandise, or tangible personal property for a valuable consideration when such transfer is made by one in the ordinary course of his business to the ultimate consumer for consumption or use, or for any purpose other than for resale, or use in processing, or manufacturing or for use by the United States Government, the State of Texas, or any political subdivision thereof. The term "retail sale" shall not include isolated or occasional sales of tangible property made by a person not engaged in the retail business nor to the sale of agricultural, dairy or livestock products when sold by the actual producer, nor to sales of motor fuel, tobacco and tobacco products, spirituous, vinous or malt liquors. All revenues derived from such sales tax authorized herein shall be collected and placed in a special fund or funds and used solely for the purpose of discharging the functions herein authorized, including necessary costs of administration. No sales tax in excess of two (2%) per cent shall ever be imposed for any purpose, and the power to levy additional taxes on retail sales or to provide additional revenue for such functions is expressly withdrawn.

Proposition 2.

Section 1. That Section 51-b of Article III of the Constitution of the State of Texas be so amended as to hereafter read as follows:

Sec. 51-b. (1) The Legislature shall have power by general laws to provide, under such limitations, restrictions and regulations as may be deemed expedient by the Legislature,

for financial assistance in equal and uniform individual payments not to exceed Fifteen (\$15.00) Dollars per month to needy individuals over the age of sixty-five (65) years, and to provide financial assistance to needy individuals who are blind, to needy individuals who are unfit for employment due to disease, and to needy dependent children, and to provide reasonable facilities for promoting and protecting the health of needy mothers and children, including adequate medical, surgical, and corrective services and care for crippled children. No such financial assistance shall be granted to an habitual criminal, habitual drunkard or to an inmate of any State supported institution, and such assistance shall be confined to actual bona fide citizens of Texas who have resided in this State for as many as five years during the nine years immediately preceding the grant of assistance and continuously for one year immediately preceding such grant, provided the Legislature may impose such requirements as to residence and citizenship of dependent mothers and children as may by it seem proper.

Sec. 3. The foregoing proposed Constitutional amendment shall be submitted to the qualified electors of the State of Texas on the fourth Monday in August 1937, at which election there shall be printed on such ballot the following words:

"Proposition 1. For the amendment to Section 51-b of Article 3 of the Constitution, giving the Legislature power to provide assistance not to exceed \$15.00 per month to persons over the age of sixty-five (65) years, to individuals who are blind, and to needy, dependent children, and providing for the protection of the health of dependent mothers and children including crippled children; authorizing a sales tax of two per cent (2%) to provide revenue therefor."

"Against the amendment to Section 51-b of Article 3 of the Constitution, giving the Legislature power to provide assistance not to exceed \$15.00 per month to persons over the age of sixty-five (65) years, to individuals who are blind, and to needy, dependent children, and providing for the protection of the health of dependent mothers and

children, including crippled children; authorizing a sales tax of two per cent (2%) to provide revenue therefor."

"Proposition 2. For the amendment to Section 51-b of Article 3 of the Constitution giving the Legislature power to provide assistance in equal and uniform individual payments not to exceed \$15.00 per month to needy persons over the age of sixty-five (65) years, and to provide financial assistance to individuals who are blind and to needy, dependent children, and to provide for the protection of the health of dependent mothers and children, including crippled children; authorizing a sales tax of two per cent (2%) to provide revenue therefor."

"Against the amendment to Section 51-b of Article 3 of the Constitution giving the Legislature power to provide assistance in equal and uniform individual payments not to exceed \$15.00 a month to needy persons over the age of sixty-five (65) years, and to provide financial assistance to individuals who are blind and to needy, dependent children, and to provide for the protection of the health of dependent mothers and children, including crippled children; authorizing a sales tax of two per cent (2%), to provide revenue therefor."

If it appears from the returns from said election that a majority of the votes cast are in favor of Proposition 1 as herein set out, the same shall become a part of the State Constitution, but if it appears from the returns of said election that a majority of the votes cast are in favor of Proposition 2 the same shall become a part of the State Constitution; provided that in the event both propositions shall receive a majority of the votes cast upon such issues at such election then, and in that event, the proposition receiving the greater number of votes shall prevail over the other, and be adopted as an amendment to the State Constitution, and the Legislature shall then pass enabling Acts effectuating the proposition receiving the greater number of votes; but if it shall appear that the affirmative of both said propositions 1 and 2 have been rejected, then the present Constitutional provision relating to Old Age Assistance will remain unimpaired, it being the

purpose of the Legislature to submit to the people of the State of Texas the foregoing two propositions for the determination of the electors of the State which of the two they shall choose.

Sec. 4. The Governor shall issue the necessary proclamation for such election and shall have the same published and such election held as provided by the Constitution and laws of the State.

Sec. 5. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the funds of the Treasury not otherwise appropriated to pay the expenses of such publication and election.

Question—Shall the amendment be adopted?

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 30, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 456, A bill to be entitled "An Act providing that on and after April 1, 1937, delinquent taxpayers shall be permitted to pay such taxes in partial payments; providing for the creation and establishment of a system whereby such payments may be made in this manner; providing for a ten month time limit in the payment of delinquent taxes under this system; providing for the institution of suit by the district attorney or criminal district attorney against such delinquent taxpayers upon default in making such payments under this system; providing that no such payments shall be received by the assessor and collector of taxes which payments total less than \$1.00, and further, that accounts for less than \$10.00 will not be opened; providing that when the sum of money sufficient to pay the earliest unpaid year of delinquent taxes owed by such taxpayer shall have been paid, such amount shall then be applied upon such taxes, and a redemption receipt issued therefor; providing that all of the funds received under the provisions of this Act shall immediately

become the property of the State of Texas and the respective county involved, and that no refunds shall be allowed; providing that the assessor and collector of taxes may, in his discretion, allow the amount or amounts already paid into such partial payment account to be applied upon such taxes in the event the property covered is sold or transferred; etc., and declaring an emergency."

H. B. No. 547, A bill to be entitled "An Act to declare a State policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton, and the increased use and consumption of same; directing that the heads of the State's various agricultural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory and making an appropriation therefor, stating a contingency upon which said appropriation is made; providing for the location of said laboratory, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills on First Reading.

The following bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 456, to Committee on State Affairs.

H. B. No. 547, to Committee on Agricultural Affairs.

Adjournment.

Senator Sulak moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Senator Van Zandt moved that the Senate recess until 10.00 o'clock a. m., tomorrow.

The motion of Senator Sulak prevailed, and the Senate, accordingly, at 4:50 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday, May 3, 1937.

APPENDIX.

Bills Filed in Department of State.

Austin, Texas, April 30, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by

the Forty-fifth Legislature which were filed in this office Thursday, April 29, 1937:

S. B. No. 137:

Vote in Senate, yeas 24, nays 5.

Vote in House, viva voce.

Date signed by the Governor April 29, 1937.

S. B. No. 158:

Vote in Senate, yeas 30, nays 0.

Vote in House, viva voce.

Date signed by the Governor April 29, 1937.

S. B. No. 473:

Vote in Senate, yeas 30, nays 0.

Vote in House, viva voce.

Date signed by the Governor unsigned.

S. B. No. 474:

Vote in Senate, yeas 30, nays 0.

Vote in House, viva voce.

Date signed by the Governor unsigned.

H. B. No. 99:

Vote in Senate, yeas 15, nays 12.

Vote in House, viva voce.

Date signed by the Governor April 29, 1937.

H. C. R. No. 107:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor unsigned.

H. C. R. No. 109:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor unsigned.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

EDWARD CLARK,

Secretary of State.

By: M. E. SANDLIN,
Assistant Secretary of State.

Reports of Standing Committees.

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 1034, A bill to be entitled "An Act conferring authority on State Parks Board to acquire for use

as a public park a tract of land situated on Padre Island; prescribing the terms and conditions under which such purchase can be made; authorizing the State Highway Commission to construct, maintain, and operate certain bridges and causeways adequate within its opinion for ingress and egress to such Island; permitting State Parks Board to charge tolls fixed by the Highway Commission and said Board for use of such bridges and causeways until the purchase price of said lands and certain improvements thereon shall have been paid; prohibiting said Board to incur any obligation constituting an indebtedness or liability of the State of Texas or of said Board except to the extent authorized herein . . . , and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be printed and do pass with the committee amendment.

WOODRUFF, Chairman.

Committee Amendment.

Amend Section 8 of H. B. No. 1034 by adding at the end thereof the following:

"It is expressly provided that no term or provision of this Act is intended to be mandatory or even suggestive to the Highway Commission but merely permissive if, and when, the Highway Commission funds are available and the project seems to said Commission to be feasible, and provided further that for the purpose of liquidating the expense of construction of said bridges or causeways the Highway Commission shall promulgate such rules and regulations as may be necessary to repay the cost of such construction out of tolls and charges to the public for the use of said facilities."

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 26, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Banking, to whom was referred

H. B. No. 572, A bill to be entitled
"An Act amending Article 2544, R.
C. S. of Texas, 1925, Article 2545,
R. C. S. of Texas, 1925, Article 2546,
R. C. S. of Texas, 1925, Article 2547,
R. C. S. of Texas, 1925, as amended
by Chapter 129, Acts Fortieth Legis-
lature, as amended by Chapter 11,
Acts Forty-first Legislature, as
amended by Chapter 19, Acts Forty-
third Legislature, etc."

Have had the same under consid-
eration, and I am instructed to report
back to the Senate that the original
bill do not pass and the committee
substitute attached hereto, do pass
in lieu thereof and the substitute
be printed.

ISELL, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Banking, to whom was referred

H. B. No. 480, A bill to be entitled
"An Act amending Subsection (a) of
section 16 of Article 7076, Title 122
of the Revised Civil Statutes of
Texas of 1925, as amended by Chap-
ter 192, Acts of the Regular Session
of the Forty-third Legislature; pro-
viding certain regulations regarding
the opening of any safe-deposit box
belonging to the decedent prior to
the delivery of the same to the heirs
or legal representative; providing a
penalty, and declaring an emer-
gency."

Have had the same under consid-
eration, and I am instructed to report
back to the Senate that the original
bill do not pass and the committee
substitute attached hereto, do pass
in lieu thereof and the substitute
be printed.

ISELL, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on
Banking, to whom was referred

S. B. No. 460, A bill to be entitled
"An Act amending Article 2832 of
Chapter 15, Title 49 of the Revised
Civil Statutes of Texas, 1925, as

amended by Chapter 127, Acts Reg-
ular Session, 39th Legislature, as
amended by Chapter 27 Acts First
Called Session, 42nd Legislature, and
as amended by Chapter 133, Acts
Regular Session, 43rd Legislature,
and declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
be printed.

ISELL, Chairman.

Committee Room,
Austin, Texas, April 28, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
477 carefully examined and compared
and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 28, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
487 carefully examined and compared
and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 84
carefully examined and compared
and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 499
carefully examined and compared
and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 467
carefully examined and compared
and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 480 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 30, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 496 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 135 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 486 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 470 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 153 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, April 29, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 137 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

In Memory
of
Hon. Guy A. Blount

Senator Redditt offered the following resolution:

(Senate Resolution No. 80.)

Whereas, God in his infinite wisdom and mercy has taken from this life Honorable Guy A. Blount of Nacogdoches, Texas; and

Whereas, Frequently during the deliberation of the Senate of Texas it is our privilege to pause and pay tribute to the life and memory of some citizen of this State who has distinguished himself in the affairs of men; and

Whereas, The passing of Guy A. Blount has taken from this State one of our leading citizens, a man who has given much of his time and means to the building of this great State; and

Whereas, The Blount family of Texas not only were pioneers of this State but contributed materially to the establishment of this great Republic; and

Whereas, In the death of Guy A. Blount Texas has lost a valuable public citizen; be it therefore

Resolved, by the Senate of Texas, That we mourn the passing of this distinguished and unselfish citizen, and that a page of the Journal be set aside to his memory, and that a copy of this tribute be furnished the family of the deceased.

The resolution was read.

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to permit consideration and adoption of the resolution immediately.

The resolution was adopted unanimously by a rising vote.